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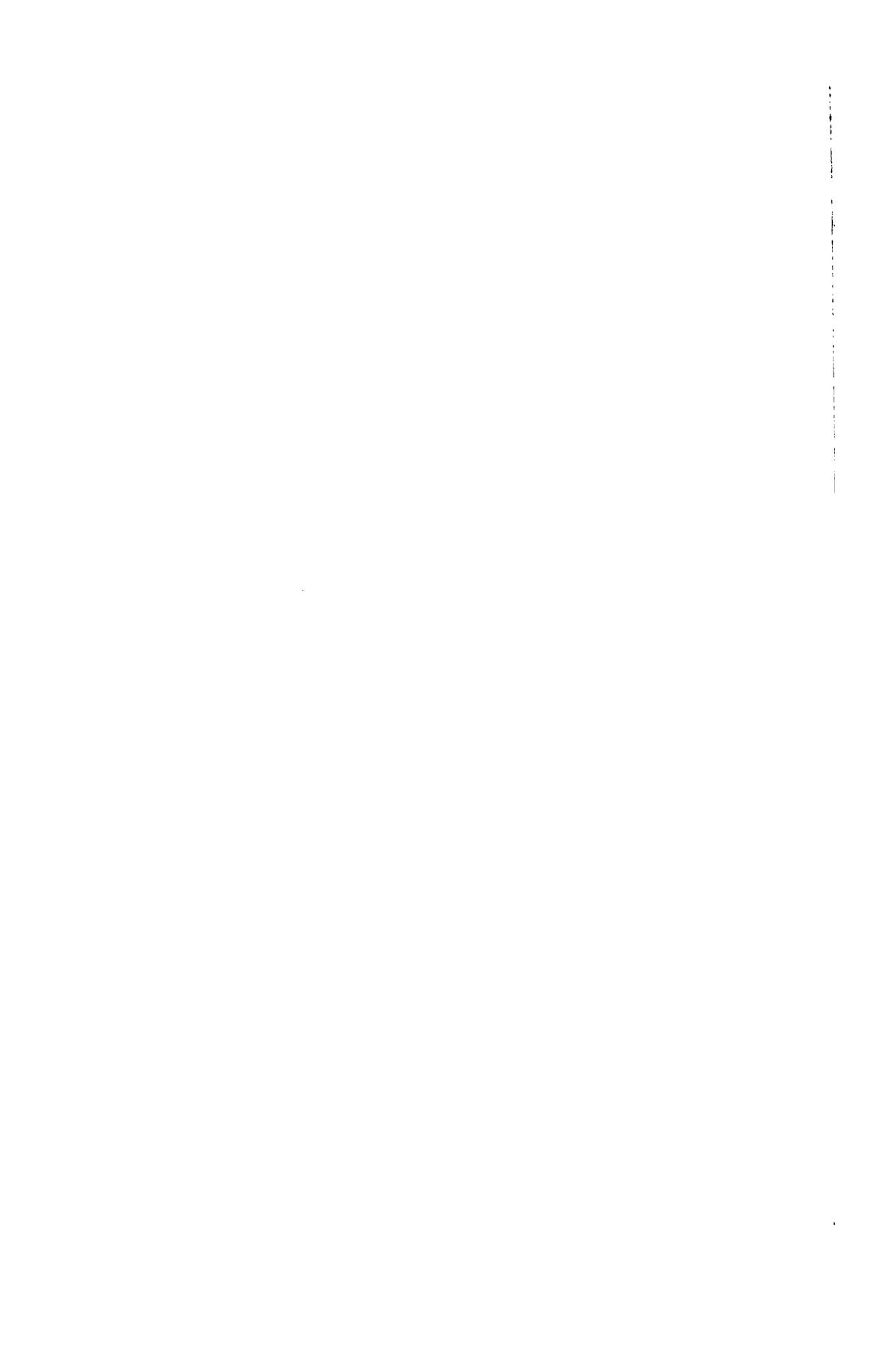
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11/10/01

in the month of October and great difficulties  
and expenses in getting it done.  
Also the absence of many friends,  
of remaining absent we have arranged and made our  
arrangements.

Dear and Sister Bennett and  
Esquemont from the State of  
Delaware  
Lighthill School  
and Friends, Williams County  
Mrs. W. H. White

Dear wife & dear son  
Charlotte  
I am sending you a  
copy of the  
last design of  
some designs of  
Huntington  
East Cemeteries  
from W. Brown.  
Charles Williams Brown  
Thomas J. Deering  
William Worth.  
~~John~~ John Brown  
John Brown  
John Brown

FACSIMILE OF SIGNATURES TO THE FIRST CONSTITUTION OF OHIO, 1802

# The Constitutions of Ohio

## Amendments, and Proposed Amendments

including the Ordinance of 1787, the Act of Congress  
dividing the Northwest Territory, and the Acts  
of Congress creating and recognizing  
the State of Ohio

Complete original texts, with historical data, records  
of the vote cast, contemporary newspaper  
comment, detailed comparisons  
and historical introduction

By

Isaac Franklin Patterson, A.M., LL.B.



Cleveland, Ohio  
The Arthur H. Clark Company  
1912

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## PREFACE

This volume presents the documents necessary to the study of the origin, history, and development of constitutional ideas and practices in Ohio. Access to the two active and one proposed Constitutions, to all amendments that have been adopted or proposed, and to certain other fundamental documents are necessary to an intelligent understanding both of the present constitutional status of the state and the needs and possibility of increasing or amending constitutional power. At present, access to many of these documents is only possible by careful search among the state papers at Columbus. Some of the documents herein contained have never before been printed except in contemporary newspapers. The text of some of the documents, as presented heretofore, differs slightly from the original documents themselves. In the present volume an attempt has been made to give the text of all documents exactly as in the original draft of each. Some of the figures relative to votes on constitutional questions have been given heretofore somewhat inaccurately. The figures presented in this volume are taken from the official records or, in certain cases where the official figures are wanting, what appears from careful comparison to be the most authentic.

At this time with the constitutional convention soon to meet, it is hoped that the publication of this volume may prove both timely and helpful.

I. F. P.

Cleveland, January 1, 1912.



## INTRODUCTION

### CONSTITUTIONAL DEVELOPMENT

The close of the Revolutionary War found the territory now included in the state of Ohio without any form of organized government. Provision for the establishment of legal settlements was much delayed because of the conflicting claims to the territory on the part of the original thirteen states. No less than seven of the states claimed a part of the territory west of the Alleghanies, and the six that made no claim to it for themselves claimed it for the United States. The United States government claimed not only the political right to the territory, but the right as proprietor of the land and the right to sell it to pay the debts and defray the expenses of the general government. Virginia, New York, and Connecticut each claimed all or a part of what now constitutes the State of Ohio.

One after another of the states was induced to surrender its claims to the general government. In 1784 it had secured unquestioned right both to the land and to the government of all the territory between Lake Erie and the Ohio River; but no legal settlement could be made until land grants were available and Congress refused such grants until the territory had been officially surveyed.

To the south and east of the Northwest Territory, especially near its borders, thousands of settlers were ready to move over into this territory; and even before

legal grants could be secured hundreds of squatters had already come over and begun to make clearings.

The squatters, or intruders as they were called, felt keenly the need of a definite form of government. In March, 1785, a call was issued over the signature of one, John Emerson, inviting the people to choose "members to a convention for the framing of a Constitution for the governing of the inhabitants, the election to be held on the tenth day of April next ensuing." There was no pretence that this call was made in accordance with the provisions of any ordinance of Congress. Indeed it specifically declared that men "have an undoubted right to pass into every vacant country and there to form their Constitution, and that from the confederation of the whole United States, Congress is not empowered to forbid them; neither is Congress empowered from that confederation to make any sale of the uninhabited lands to pay the public debts." If Congress were slow to establish the required government, it was not slow to crush out any unauthorized attempts to form such government. Before the date set for the holding of the convention, the heavy hand of the Confederacy had been laid upon the leaders, and many of the squatters were driven from their homes. No Constitution was formed.

The first ordinance for the sale of the public domain was passed May 20, 1785, after which the active work of surveying the territory was begun promptly and carried forward vigorously. By 1787 such progress had been made, and so great was the demand for land grants, that an ordinance for the government of the Northwest Territory was passed, and became the famous Ordinance of July 13, 1787.

The Ohio Land Company's purchase in 1787, and the

settlement at Marietta, April 7, 1788, made necessary the establishment of formal government. Congress had appointed General Arthur St. Clair, governor and Winthrop Sargent, secretary. The judges, Samuel Holden Parsons, James M. Varnum, and John Cleves Symmes, with the governor and secretary were vested with complete control of the government. These officials, except Judge Symmes, reached the new settlement at Marietta, July 9, 1788, and formally established civil government in the territory, six days later. Under the Ordinance the power of the governor and judges was judicial, executive, and legislative, with the governor exercising an absolute power of veto.

In a strict sense perhaps it may be claimed that the Ordinance of 1787 was in force only a little more than two years; for after the establishment of the national government under the Constitution of the United States, Congress passed an act, August 7, 1789, providing that, "Whereas, in order that the ordinance of the United States in Congress assembled for the government of the territory northwest of the River Ohio may continue to have full effect, it is requisite that certain provisions should be made so as to adapt the same to the present Constitution of the United States;" after which the act provides that certain powers of appointment shall vest in the president, and other powers, previously exercised by Congress under the Confederation, shall vest in Congress as established by the Constitution.

This form of government continued until 1799, when the second stage provided for in the ordinance of 1787, was reached; after which the government consisted of a governor and legislative council of five appointed by the president, and a legislature elected by the people.

This form of government continued from 1799 to 1802. It was succeeded by the form provided for in the Constitution of 1802. In May, 1800, however, the territory had been divided, by an act of Congress, into the Territory Northwest of the Ohio, and Indiana Territory, the boundary line being drawn from a point opposite the mouth of the Kentucky River, thence northerly to Fort Recovery, and thence due north to Canada. The period, from 1787 to 1802, constitutes the first distinctly marked division of Ohio's constitutional history. The leading characteristics of the government were centralized authority, lack of separation of powers, and arbitrary rule of an executive having little regard for popular government. The government of this period reflected in no small degree the ideas of Hamilton, Adams, and other Federalists by whom it was formulated. It was not difficult to maintain, and hold for a time, arbitrary authority over so sparsely settled a country. The Territory Northwest of the River Ohio was large in extent, its people few, the dangers from which they needed to be protected many, and the means of communication inadequate and difficult. The settlements were so far apart that one settlement was scarcely conscious of the existence of another.

The Ordinance of 1787 embodied fundamental doctrines worthy of much respect, but it may be doubted whether at that period or later it exercised any very great influence upon the constitutional history of Ohio, however much may have been attributed to its beneficent influence. When Governor St. Clair and his legislative council set about the task of framing a code of laws for the territory, they paid little regard to that provision of the Ordinance which directed them to adopt laws al-

ready in force in the original states, nor again were the people of this territory entirely careful to observe the directions of the Ordinance as to time and manner of forming a state government.

It happened very naturally that the Ordinance contained a large number of the theories and doctrines that were believed and practiced before 1787 as well as since that time. The principles of polity incorporated in the Ordinance of 1787 were the direct results of centuries of Anglo-Saxon civilization. The legislative proceedings of the state in general show little evidence of respect for the Ordinance, while in many cases, especially in the earlier history, the General Assembly enacted laws and adopted resolutions entirely at variance with any supposed authority contained in the Ordinance.

The second division of the State's constitutional history covers a period of about forty years, beginning with 1802. It may be characterized as the period during which the people of the state were lacking in *social consciousness* — perhaps *state consciousness* would express it better. Before the formation of the state the men and influences which controlled the national government had changed. Indeed the creation of the state was hastened for the purpose of strengthening the party which had overthrown the Federalist power. The ideas of the Democratic – Republican Party were readily adopted by a large part of the people of this new state. Some of them had come from New England, some from New York and Pennsylvania, and many of them had come from states farther south. They had fought for the independence of the United States, but they had not fought for Ohio. Their new home was something separate and apart from the colonies for whose freedom they

had made sacrifices. The struggle to win homes from the savages and the forests sufficed to dim the memory of earlier struggles to secure political freedom for the strip of seaboard that now seemed so far away. Within less than twenty years after the formation of the new state, it denied the authority of the National Government and passed acts of nullification that indicated less respect for Federal authority than did even those of South Carolina a dozen years later. During these same twenty years, nevertheless, Ohio, time after time, appealed to the National Congress for assistance in building roads and opening up communication. These things were not so inconsistent as they may seem. The acts of nullification were not because the people of Ohio believed in states' rights. They believed in individual rights and resented the authority that attempted to interfere with such rights. They asked for help in building roads because they needed roads, not because Ohio wanted national aid. Ohio was to them a place, not a state. They were not yet conscious of the state. The needs of the individual and the present were the dominant ideas. The future of the commonwealth and community of interests had no place in their thoughts.

The state government which they had formed was entirely consonant with this view of their relation to government. They realized, it is true, that there were some essentials the individual does not possess which some individual or group of individuals can furnish him. They could not all meet together and barter rights and privileges, so they selected representatives to meet other representatives in a General Assembly, to haggle, dicker, and bargain to secure individual and special advantages and privileges for those who had sent them.

Quite often the interested individual secured his own election to carry out his personal interests.

The people had no use for any central authority. They had provided and tolerated a nominal governor but he was stripped of power. A judiciary seemed necessary to confirm the bargains made by the representatives, and other officials were needed to deliver the goods bartered. The natural thing was to have the representatives in the General Assembly select the judges and other officials. Thus practically all the powers of government were centered in the legislature.

During the first decade of the state's history under the Constitution of 1802, the General Assembly devoted much of its attention to incorporating banks, authorizing lotteries, relieving individuals, granting divorces, and providing punishment for recognized crimes and devising and naming new ones. During the second decade the work of the legislature was largely that of incorporating turnpikes, toll-roads, toll-bridges, and ferries. These never ceased to be favorite subjects of legislation during the period covered by the first Constitution. The third decade was characterized largely by canal legislation and this reached well over into the fourth decade, although this last decade was particularly the period of railway incorporation and legislation.

Roads and bridges were absolutely necessary, so the natural thing was to have monopolized toll-roads, toll-bridges, and ferries, by which the individual with an agent in the legislature could extract in a more or less painless manner the money he wanted from those who must use these means of transportation. Later, railroads were dealt with in like manner. To the enterprising

citizens of that day even this form of parasitism seemed crude and inadequate. Why waste good money in building railroads? Why not have other people build them and collect from the state and county treasuries the necessary funds in the form of aids and subsidies? The plan looked good and they tried it; but it made it necessary for the individual to pay taxes into the state treasury, and the man who collected the fares and the tolls was liable to accumulate more property than he could conveniently conceal; so a simpler plan was worked out. It was to have the state borrow the money and turn it over to the promoter of the railroad in the form of subscriptions and guarantees. The monopolist then graciously waited for his money until he could collect fares; or, if he were in a great hurry, turned contractor and hired himself to build the road. This made the matter very simple indeed.

The third period in the state's history began about the fifth decade under the Constitution of 1802. It was the period when the people awakened to consciousness of the state and that the state was a unit of the individuals. This consciousness came about largely as the result of the mad rush to rob the state treasury and heap up debts to be paid by generations yet unborn. There had been no method devised for borrowing money without paying interest. If the needed sum could have been borrowed in the state, all might have gone well for a time. The debt amounted to almost twenty millions and foreign bondholders held most of the stocks and bonds. When interest was paid it left the state. To pay more than a million dollars in interest each year meant that the people in Ohio were toiling to support the people not living in Ohio. Out of this grew the realization that the peo-

ple had interests in common. The debt must not be allowed to grow larger. Plans were prepared for actually paying it. But the greed of privileged individuals and the special interests had not changed. They still had their legislative methods for getting money and while such remained the people could not stop the waste under the old Constitution.

Finally the demand for relief grew so strong that, in 1849, the legislature was compelled to allow the people to vote on the question of making a new Constitution. It carried, and the convention met. What should it do? All power had been centralized in the legislature, which had become the pliant tool of individual greed. Among the traditions of the state was the danger of putting power into the hands of an executive. The only remedy that seemed to suggest itself was to keep the power in the hands of the legislature, and then tie its hands. In stopping the wild debauch of the treasury, and tying the hands of the agents of the privileged interests the people became welded into a real commonwealth.

Let it not be thought that the privileged and special interests gave up easily. They died hard, and a few of those, fostered under the old Constitution, still live. As early as 1833 the work of the General Assembly for one year was represented by the passage of two hundred and fifty local laws and only thirty general laws. But the local acts and resolutions passed by the General Assembly of 1849 (the one that submitted to the people the question of holding a constitutional convention) fill seven hundred and forty-six pages of the *Laws of Ohio* for that year, and include seventy-five acts relating to plank roads, sixty-seven to railroads, and seventy-eight to turnpikes. The legislature of 1851, the one in session

at the time the new Constitution was being framed, broke all records. It was a veritable bargain sale rush. The local acts and resolutions for that year cover eight hundred and seventeen pages, and include forty charters and amendments of charters of insurance companies; sixty-six charters and amendments of charters of plank roads; seventy-four charters and amendments of charters of turnpikes; and eighty-nine acts relating to railroads. It was well for them that they took advantage of their opportunities, for the first General Assembly under the Constitution of 1851 passed a total of only twenty-four local acts on all subjects.

The fourth period of the state's constitutional history may be considered as ending in the year 1874; yet in a stricter sense it extends from 1851 to the present time; for the history of the state as a political unit dates from 1851. Since that time there has been a degree of social, economic, and political solidarity previously quite unknown. The leading characteristics of the period extending from 1851 to 1874 were: first, the efforts of the people to adapt themselves to the new Constitution and to utilize its provisions in reforming the evils that had grown up under the old Constitution; and second, the efforts of corporate, vested, and special interests to retain as many of the old advantages as possible and to acquire such new privileges as would, to a degree, counterbalance those they had lost.

The most important changes made in the Constitution were such as affected private and municipal corporations, the powers of the legislature, banks and banking, judicial procedure, the judicial system, and taxation. All of these, with the possible exception of the judicial system, were closely allied; and when corporations and

vested interests found themselves checked by the provisions of the Constitution under some one of these heads, they at once turned for assistance to the provisions included under some other head. No longer could corporate and special interests raid the state treasury under the guise of securing loans and aids, as they did in the thirties. They could and did, however, secure from the General Assembly laws of a general nature and with provisions so liberal in character that, when administered by subservient officials, they became scarcely less monopolistic and privileged than the laws of the first two decades of the state's history, when any man, who could think of a scheme by which to forcibly take tribute from his fellow citizens, could secure the legal right to do so by applying to the legislature. More especially was this true with reference to the constitutional provision relative to taxation, and this is the one provision favorable to vested and special interests that has resisted all attempts at change even to the present day.

The people who framed the Constitution of 1802, fearing the executive and having no clear conception of the relation which the judicial department of government should bear to the other departments, had placed nearly all the power in the hands of the legislature. Before the convention of 1851, the people had learned that the legislature could not always be trusted, so an effort was made to take away its powers and have a self-acting Constitution take its place so far as possible. The people of the state desired single legislative districts. Three times since 1851, the question of single legislative districts has been submitted to the electors in the form of a proposed constitutional amendment, and three times it has been defeated because of the unsatisfactory

plan by which it was offered to the voters. Much as they desired the single legislative district, they sacrificed it rather than allow the legislature or some other body, liable to be influenced by improper motives, to apportion the districts when the population should have increased so as to make a new apportionment necessary. Along this line it is interesting to note that at one time during the convention, before any automatic method of apportionment had been devised, the delegates seriously considered abolishing the bi-cameral plan because of the difficulty involved in planning an apportionment of senators by any self-acting plan.

Distrust of the legislature forced into the Constitution of 1851 a provision for biennial sessions of the General Assembly; but that body, dissatisfied with the lack of opportunity thus afforded for the exercise of power, ignored the provisions of the Constitution and held an adjourned session in 1857 and proposed an amendment providing for annual sessions. It was defeated at the polls; but the next General Assembly also held an adjourned session. It, too, submitted to the voters an annual session amendment in 1859, which was likewise defeated. After that the General Assembly did not bother about securing constitutional authority for the second, or "adjourned," session in each two-year term. Every year, for a period of thirty-nine years, there was a session of the legislature, although it was a clear violation of the spirit and intention of the Constitution, which provides for a "biennial" session. In 1895, for the first time since 1855, there was no session, regular or "adjourned."

The provision in the Constitution of 1851 relative to corporations was quite effective so far as it related to

private and quasi-public corporations. The provision that they should be organized under general laws held them in check as they never had been by the legislature previous to that time. They soon learned, however, as before mentioned, to take advantage of certain other provisions of the Constitution in such a way as to render nugatory, at times, the constitutional provision directly relating to corporations; and in recent years they have made distinct advance in the way of privilege through the adoption of the amendment providing for single liability for stockholders.

Another important change contained in the new Constitution was the one relating to banks. It was fairly effective and served its purpose well until the national banking system brought about a condition that largely destroyed the importance of the question as a state issue.

There were, however, two distinct blunders in the Constitution. They were the provisions relating to taxation and to the judicial system. The latter was early recognized as a blunder and an attempt was made to correct it by constitutional amendment as early as 1857. It failed of adoption at that time, and was submitted time after time but never received the required constitutional majority until 1883. The other blunder still remains. No less than seven times has a taxation amendment been submitted to the voters of the state; and seven times it has been defeated, although the popular sentiment during the whole period seemed overwhelmingly in favor of a change which would permit the levying of tax on many things not now permitted by the "uniform," "true value in money" rule of the Constitution of 1851. Only one time out of the seven did it fail to receive more votes than were cast against it.

That an amendment to the Constitution could be defeated, when a great majority of the voters favored the amendment is explained as follows: previous to 1891 when the modified Australian ballot was first used in Ohio, tickets to be used at elections might be furnished by party managers. They could put on the ticket "Constitutional Amendment - Yes," or "Constitutional Amendment - No," or it could be left off entirely. Sometimes interests that would be affected by the adoption of the amendment would see to it that the tickets that were most easily accessible had on them "No;" oftentimes when both "Yes" and "No" were on the ballot the voter, in the hurry of voting, would neglect to mark off the "No," and in that case his vote counted as much against the amendment as if he had voted "No;" for in order to carry, it was necessary for the amendment to have an affirmative majority of the votes cast. When in 1891 the Australian ballot came into use the difficulty was even greater, for there was no chance then for party managers or organizations interested in the success of an amendment to have the "Yes" made a part of the party ticket. More votes than ever were voted "straight," and the marking of the amendment was overlooked by the great majority. When in 1902 the election law was changed so as to permit the state party convention to indorse an amendment and allow all "straight" tickets to count for the amendment, it became very easy for a majority party to carry an amendment if the party managers thought it desirable to have it carried; and when both parties endorsed it, the figures show that eighty or ninety per cent of the voters would vote for almost any amendment. In 1903 and 1905 several important amendments were adopted while this provi-

sion of the election law was in force. Although the question of taxation has been the most vital question before the state for the last half-century, the interests affected and the party managers were careful to see that the voters had no chance to vote on a taxation amendment while this election law was in force. In March, 1908, the General Assembly passed a resolution for submitting to the electors a taxation amendment, but eighteen days thereafter it was careful to repeal the law which provided for party indorsement and thereby made certain the defeat of the amendment. Several amendments have been voted on since the repeal of that law but none has been adopted.

The latter part of the fourth period of the state's constitutional history was marked by growing dissatisfaction with the judicial system whose great weakness lay in the provision for a District Court, so constituted and so administered as to hold the respect of no one, and to be only a halting place for cases on their way from the Common Pleas Court to the Supreme Court. Its decisions satisfied no one and as a consequence practically all cases appealed from the Court of Common Pleas were carried up to the Supreme Court, and its docket became so clogged that justice was long deferred. Another great source of dissatisfaction which resulted in the decision to hold the constitutional convention of 1873-1874 was the growing suspicion that railroad and other corporate influences were exercising too great a power over official conduct and especially over the conduct of state legislators and municipal officials.

After many months of discussion a Constitution was framed and submitted to the electors, who by a vote of more than two to one rejected it. It seemed to contain

nearly all the features which were demanded by the people, but it contained a great many comparatively unimportant changes, some of which displeased one or another small group of voters, the total of which was large. The convention itself was in session so long that people grew suspicious. The Constitution contained many things that were thought to be proper matters for legislation. Then, too, the question of licensing the liquor traffic was submitted as a separate proposition and became the leading issue. Although the license proposition received less than a majority, it received seventy thousand more votes than the Constitution itself. The injection of the liquor question served to confuse the issue and many persons voted against the Constitution because they preferred to have it rejected rather than adopted with a license clause. Some of those, who favored license, had the absurd idea that they could get license without the Constitution and voted against it. Many of the important questions at issue were never seriously considered by the voters.

The fifth period in Ohio's constitutional history, extending from 1874 to the present time, has been characterized to a degree by a long line of attempts to adopt as amendments the most important features of the rejected Constitution of 1874. By means of an amendment, a supreme court commission was provided in 1875. After unsuccessful attempts in 1877 and 1879 to change the judicial system, such an amendment was adopted in 1883. In 1885 two more amendments were added, one changing the fall election from October to November and the other giving the General Assembly the power to change the time of election and the term of township officers. Among the amendments not already men-

tioned, was one providing for the governor's veto and another allowing at least one representative from each county; both were adopted in 1903. There was also one providing for biennial state elections, adopted in 1905.

A majority voted in favor of a constitutional convention, when it was submitted in November, 1910. There are probably but two of the former leading questions likely to demand much consideration. They are the taxation question and the liquor question. The other questions, that seem most likely to be issues, are ones relating to the more modern forms of democratic control. Ohio started out with a suspicion against all departments of government except the legislative; one hundred and nine years of experience with legislatures has served to surround that branch with as much suspicion as there was at any time against the executive. On the other hand there seems a distinct tendency to place more power in the hands of the executive and make him directly responsible to the people. The judicial branch of government, whose functions were little understood in 1802, has, during the greater part of the last half century, been the really potent department of government and has been generally held in high respect. There is much reason to believe, however, that recent years have brought about as much suspicion against this department of government as has usually attached to the legislative department.

#### CONSTITUTIONAL CONVENTIONS

At the time of the formation of the State of Ohio the purpose and meaning of a written Constitution as it existed in the mind of the most advanced thinkers was very different from the one prevalent at the present day.

Universal suffrage was not at that time accepted as a safe policy even in a free government. That the form and control of government ought to reflect to a degree the popular mind was quite generally accepted. To the political thinker of that day, representative government did not necessarily mean that the person represented should select the representative. The notion of representation then prevalent was the one quite commonly held even to-day in most European countries: that is, that representatives should represent interests rather than people. With that as the dominant idea it is not surprising that the decision not to submit the Constitution of 1802 to popular vote met with little protest. Nor was that method unusual.

Immediately after the Declaration of Independence several of the states set about the formation and adoption of Constitutions. Within a short time all the states, except two, had done this. The two exceptions were Connecticut and Rhode Island, whose charters were so liberal that they served well as Constitutions for many years after these colonies became states. In framing and adopting Constitutions, four different methods were used: first, the Constitutions were framed and adopted by legislative bodies on their own initiative, without express authority and without submission to the electors; second, they were framed by legislative bodies under express authority from the electors, and without submission to the electors; third, they were framed by legislative bodies under express authority, and afterward submitted to the electors; fourth, they were framed by conventions chosen for that purpose, and then submitted to the electors. But when action was taken by legislative bodies without submission to the

electors, either with or without authority, it was the custom to defer final action until copies of the proposed Constitution had been made accessible to the electors. Final action was then dependant on popular approval or disapproval. In making the first Constitutions, adoptions without approval by vote of the electors occurred in New York, Pennsylvania, Maryland, North Carolina, South Carolina, Virginia, Delaware, New Jersey, Vermont, and Georgia. In more recent years practically all these states, as well as the newer states, have adopted the plan of submitting their proposed Constitutions to the electors; but Virginia framed and adopted a new Constitution without submission to the electors even so late as 1902.

The first Ohio constitutional convention met in Chillicothe, November 1, 1802, and organized in a very simple way, with a president, secretary, and assistant secretary. They left no records of debates. The journal of the convention gives the proceedings day by day, and the vote by yeas and nays on mooted questions. The convention, consisting of thirty-five delegates, was in actual session twenty-five days, and adjourned November 29, 1802. The total cost of the convention was \$4,556.75.

When the convention met it went to work promptly and within four days had adopted standing rules and orders, and appointed the principal committees. Party lines were not distinctly drawn, yet it was apparent by the votes on leading questions that those adhering to the Federalist doctrines of Governor St. Clair were few in number. Many discussions in the convention arose over the effort to determine the status of the negro; and the various motions, resolutions, and votes indicate that the

sentiment for and against allowing the negro political rights was pretty evenly divided. Other questions upon which there was much difference of opinion were the following: annual or biennial sessions of the legislature, the submission of the Constitution to the people (lost seven to twenty-seven), salaries for officials, poll-tax, qualifications for voters, and apportionment of senators and representatives.

The convention of 1850-1851 had one hundred and twelve different delegates, four of whom were elected to fill the places of delegates who had resigned. The convention met in Columbus, May 6, 1850, and adjourned March 10, 1851. A recess was taken from July 9 to December 2, after which the sessions were held in Cincinnati. The sessions, exclusive of the recess, covered a period of one hundred and sixty-three days. The expense of the convention was \$94,441.32. The organization consisted of a president, a secretary, two assistant secretaries, a reporter, an assistant reporter, a sargeant-at-arms, and a door-keeper. One of the first things the convention did was to enter into a silly discussion of the form of the oath to be administered to the members of the convention. Certain members objected to taking an oath to support the Constitution of the State of Ohio, because they said, they had come there to alter and revise the old Constitution. The oath was finally so modified as not to require the support of the Constitution of the state. When it is remembered that their work was to propose alterations and was not final, that the proposed Constitution had to be submitted to the people, that their very election as delegates and their presence in the convention was because the Constitution made provisions for such convention, the contention seems

most puerile. The form of oath finally accepted was as follows: "You solemnly swear that you will support the Constitution of the United States, and that you will honestly and faithfully to the State of Ohio discharge your duties as members of this Convention."

The election for president resulted in the choice of Colonel William Medill, the Democratic candidate, on the first ballot by a vote of sixty against thirty-eight for Joseph Vance, the Whig candidate. Peter Hitchcock and Reuben Hitchcock, each received one vote, and three votes were blank. The first yea and nay vote was on a motion to invite the clergymen of Columbus to so arrange among themselves as to have some one offer prayer each morning. Some opposition developed, but the motion was adopted by a vote of eighty-four to nineteen. As early as the fourth day of the convention a considerable degree of partizan rancor was developed over the question of selecting a printer, and the words "Democrat" and "Whig" were bandied back and forth.

In March, 1850, and before the convention met, the General Assembly had appointed Mr. J. V. Smith reporter of the convention proceedings, but there were those who questioned the right of the General Assembly to make such appointment. The result was that on the fourth day of the convention he was formally selected for the place by the delegates, themselves. It was not until eight days after the opening of the convention that standing committees were appointed. There were eighteen different committees and were as follows: on privileges and elections, nine members; on the legislative department, nine members; on the executive department, seven members; on the judicial department, thirteen members; on apportionment, twenty-one mem-

bers; on elective franchise, five members; on corporations, other than corporations for banking, five members; on banking and currency, seven members; on public debts and public works, nine members; on future amendments to the Constitution, five members; on education, seven members; on militia, seven members; on finance and taxation, five members; on preamble and bill of rights, seven members; on public institutions of the state, five members; on jurisprudence, nine members; on miscellaneous subjects and propositions, seven members; on accounts, five members.

The usual form of submission of propositions for the consideration of the convention is illustrated by the first proposition submitted after the appointment of standing committees. It was the following: "*Resolved*, that the committee on apportionment be instructed to inquire into the expediency of providing in the Constitution of the state for allowing to each county in the state one representative." In most cases such resolutions were, on motion, referred to appropriate standing committees. Early in the convention the committees made reports in the form of definitely worded and numbered sections of the proposed new Constitution. These were then taken up, usually in order, by the convention in committee of the whole, and there discussed, amended, accepted, or rejected. When the report of the committee of the whole had reported to the convention, the report was adopted, rejected, or referred back to the standing committee with such instructions as the convention saw fit to give. The method of procedure was such that it became difficult, as the convention proceeded, for members to know in every case the status of propositions that had been submitted, and the result was much useless dis-

cussion, explanation, rereading of resolutions, withdrawals of motions, substitutions, and amendments. The convention seemed to have had much difficulty in keeping before its members a definite and clear idea of what it was trying to do. It is surprising to note how much of the discussion had little or no bearing upon the question before the convention. There was also a most inexcusable waste of time resulting from the willingness of the convention to listen to spread-eagle oratory, in which catch phrases about liberty, freedom, and equality were the leading stock in trade. Toward the close of the convention the tendency of discussion took on a degree of partisan political rancor.

That a Constitution framed by such a convention should, with few changes, have satisfied the state for over sixty years argues well for the ability of the people of the state to adapt themselves to a very defective basic law. That the Constitution should have contained some blunders and defects is not surprising; but it is to be deplored that it should have provided a method of amendment that places amendment outside the power of a great popular majority, and makes change dependent upon the action of partisan leaders whose actions are so often guided by special interests.

The great discussions of the conventions related to the organization, powers, duties, and control of corporations, banks and banking, legislative apportionment, legislative sessions, veto of the governor, the judiciary, and taxation. In the second month of the session practically four days were devoted to a discussion of the question of single or double liability of stockholders; but when, a half century later, the money interests wanted to abolish the double liability clause it was, by

the assistance of state party leaders, made a part of the party ticket, and adopted so quietly that the mass of the voters had no idea what was being done. The feeling against banks was such that a free banking clause would certainly defeat the Constitution; so the Constitution provided that no such law should be effective until after a referendum. The first test of the sentiment of the people was in 1857 when a proposed banking law was overwhelmingly defeated.

The convention never appeared more helpless and incompetent than when discussing legislative apportionment. The fear of the abuse of power by the legislature permeated all discussions. At one time during the convention a proposition was introduced providing for the recall of members of the General Assembly. It will be noted that the Constitution provides for a referendum in the case of banking laws [Art. XIII, Sec. 7] and allows it in the case of laws relating to public schools [Art. II, Sec. 26], as well as in certain other cases, and that the question of the recall of unsatisfactory officials was seriously considered sixty years ago.

In the case of two of the leading questions discussed, taxation and the judicial system, the convention of 1850 showed itself hopelessly incompetent. It was the failure of the judicial system that was really responsible for the convention of 1873. This convention was essentially a lawyers' convention. Of its total membership no less than fifty-nine per cent were lawyers, as compared to forty per cent in 1850, and thirty-nine per cent for the convention of 1912.

The convention of 1873 contained a large Republican majority, but, during the long drawn-out discussion there was little evidence of party feeling. It took six ballots to select the president of the convention. In-

stead of the simple organization of 1802, and the comparatively simple one of 1850, the convention of 1873 was provided with a president, a vice-president, a reporter, a secretary, four assistant secretaries, a sargeant-at-arms, two assistant sargeants-at-arms, a postmaster, five pages, a reviser of reports and proofs, five assistant reporters, four transcribers, and a messenger. It cost the state \$192,500, as compared with \$94,441 for the convention of 1850, and \$4,556 for the convention of 1802.

This convention, as did the one of 1850, took time to quibble about the form of the oath, but settled it much more easily and in a more sane manner, by deciding to "take the oath or affirmation prescribed by the present Constitution." The judge who administered it gave it in the following form: "You do solemnly swear that you will support the Constitution of the United States, and the Constitution of this state, and that you will honestly and faithfully discharge the duties of a delegate to this convention. So help you God."

One week after the opening of the convention the president appointed the standing committees, of which there were twenty, as follows: On privileges and elections; on preamble and bill of rights; on the legislative department; on the executive department; on the judicial department; on the elective franchise; on education; on public institutions; on public debt and public works; on the militia; on accounts and expenditures; on county and township organizations; on apportionment and representation; on revenue and taxation; on municipal corporations; on corporations other than municipal; miscellaneous; on amendments; on the schedule; on traffic in intoxicating liquors.

The convention began work promptly and decided to

consider all proposals for amendment, alteration, or revision, which should be submitted as propositions, and numbered consecutively, the propositions to be considered in the order of their introduction. Proposition No. 1 was offered the next day, after the appointment of standing committees. It was a proposition to change the judicial system.

In all two hundred and six propositions were offered, of which thirty-six related to the legislative department, twenty-two to the judicial department, fifteen to corporations, twelve to finance and taxation, twelve to public debt and public works, eleven to elective franchise, ten to the liquor question, nine to the executive department, eight to county and township organizations, eight to railroads, seven to militia, six to schedule, five to apportionment and representation, four to public institutions, and two to the abolition of capital punishment. The other thirty-nine propositions refer to a great variety of subjects, including such matters as: dropping the word "slavery" from the Constitution, allowing women to hold appointive offices, removal of county seats, proportional representation, changing election to November, jury verdict in civil cases by a two-thirds vote, recall of members of General Assembly, school funds, exempting a certain amount of timber lands from taxation, allowing the defendant the closing argument, employers' liability, prohibiting persons from seeking office, tax on dogs, and the creation of the office of superintendent of public works.

As has been said, it was a lawyers' convention. It seems surprising that the other members of the convention, and the people of the state generally, should have tolerated the wasting of so much time discussing mat-

ters in which only lawyers were directly interested. The report of the debates covers nearly five thousand pages, amounting to more than three and one half millions of words. More than a thousand speeches were made on the subjects of the judicial department and judicial apportionment. Some of the speeches were short, but many of them were long, and the whole time devoted to these subjects alone amounted to many weeks. No less than three hundred and thirty speeches were made on the subject of the legislative department, and more than one hundred on each of the following subjects: apportionment and representation, county and township organization, municipal corporations, temperance, corporations other than municipal, and public debts and works. Twenty-five speeches sufficed for education, twenty for womens' suffrage, and twenty-seven for revenue and taxation.

There had been no general demand for the convention except among lawyers, and no great general interest was manifested in its proceedings. It was so long, and so tedious, that the people became thoroughly sick of reading about it. When the time came for voting on the Constitution the vote was only about sixty-five per cent of what it had been at the election in 1872.

The Constitution contained a great number of matters that would even to-day be considered progressive. It went into great detail and covered many matters that seemed proper subjects for a legislature to handle. A great number of interests were displeased with one part or another of it, and it needed no prophet to foretell its defeat at the hands of the electors. When the time finally came to vote on its ratification the liquor question had pushed to the background all other questions.

The Constitution of 1802 contained about three thousand eight hundred words, and the Constitution of 1851 contains about six thousand seven hundred words; but the proposed Constitution of 1874 contained more than fifteen thousand words. Few voters had read it, or any considerable part of it. More than one-third of the voters did not go to the polls.

After the defeat of the Constitution of 1874, repeated attempts were made to amend the old Constitution. Such progress has been made that many of the leading objections to the old Constitution have been removed by the dozen amendments that have been added; and of these no less than ten were contained in the proposed Constitution of 1874, two or three of them being practically identical as to wording.

The acts providing for the convention of 1850 and 1873 both gave the conventions free hand as to the form of submission. In each case the convention was authorized to "revise, alter, or amend" the Constitution; but in each case the convention saw fit to propose a practically new Constitution. There seems no good reason in either case why the convention should not have submitted the changes desired in the form of separate propositions to amend; or else have submitted a new Constitution with many of the mooted questions submitted as separate propositions, with the provision that the separate propositions should become part of the fundamental law of the state even if the Constitution itself should fail. Both conventions did submit one or more separate propositions, but made it impossible for them to be adopted unless the new Constitution itself should be adopted.

To tear up and entirely recast an old Constitution,

and thus furnish work for the courts for a generation to come in interpreting the new document seems uncalled for and unwise. The only reasons for adopting such a method, instead of amending, would seem to be distrust of popular judgment, or the desire to carry through certain unpopular propositions under cover of popular ones.



# **Acts of Congress**



## THE ORDINANCE OF 1787

### AN ORDINANCE FOR THE GOVERNMENT OF THE TERRITORY OF THE UNITED STATES NORTH- WEST OF THE RIVER OHIO

*Be it ordained by the United States in Congress assembled,* that the said territory, for the purpose of temporary government, be one district; subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

*Be it ordained* by the authority aforesaid, that the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among their children, and the descendants of a deceased child in equal parts; the descendants of a deceased child or grandchild, to take the share of their deceased parent in equal parts among them; and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate shall have in equal parts among them their deceased parent's share; and there shall in no case be a distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate, her third part of the real estate for life, and one-third part of the personal estate; and this law relative to descents and dower, shall remain in full force until altered by the legislature of the district. And until the govern-

or and judges shall adopt laws as hereinafter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her, in whom the estate may be (being of full age) and attested by three witnesses; and real estates may be conveyed by lease and release or bargain and sale signed, sealed and delivered by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers shall be appointed for that purpose; and personal property may be transferred by delivery, saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskias, Saint Vincents, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

*Be it ordained* by the authority aforesaid, that there shall be appointed from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

There shall be appointed from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked, he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office; it shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public rec-

ords of the district, and the proceedings of the governor in his executive department; and transmit authentic copies of such acts and proceedings, every six months, to the Secretary of Congress. There shall also be appointed a court to consist of three judges, any two of whom to form a court, who shall have a common-law jurisdiction, and reside in the district, and have each therein a freehold estate in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behavior.

The governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original States, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress, from time to time, which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

The governor, for the time being, shall be commander-in-chief of the militia, appoint and commission all officers in the same, below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same: After the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the

continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof – and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the general assembly: *Provided*, That for every five hundred free male inhabitants there shall be one representative, and so on, progressively, with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty-five, after which the number and proportion of representatives shall be regulated by the legislature; *Provided*, That no person be eligible or qualified to act as a representative unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years, and in either case, shall likewise hold in his own right, in fee-simple, two hundred acres of land within the same: *Provided also*, that a freehold in fifty acres of land in the district, having been a citizen of one of the States, and being resident in the district; or the like freehold and two years' residence in

the district shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected, shall serve for the term of two years, and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township for which he was a member, to elect another in his stead, to serve for the residue of the term. The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress, any three of whom to be a quorum, and the members of the council shall be nominated and appointed in the following manner, to-wit: As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and, when met, they shall nominate ten persons, resident in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress; one of whom Congress shall appoint and commission for the residue of the term; and every five years, four months at least before the expiration of the time of service of the members of the council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress, five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the

governor, legislative council, and house of representatives, shall have authority to make laws in all cases for good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bills or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue and dissolve the general assembly when, in his opinion, it shall be expedient.

The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office, the governor before the President of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house, assembled in one room, shall have authority by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting, during this temporary government.

And for extending the fundamental principles of civil and religious liberty, which forms the basis whereon these republics, their laws and constitutions are elected; to fix and establish those principles as the basis of all laws, constitutions and governments, which forever hereafter shall be formed in the said territory; to provide also for the establishment of States, and permanent government therein, and for their admission to a share in the Federal councils on an equal footing with the original States, at as early periods as may be consistent with the general interest.

*It is hereby ordained and declared, by the authority*

aforesaid, that the following articles shall be considered as articles of compact between the original States and the people and States in the said territory, and forever remain unalterable, unless by common consent, to-wit:

**ARTICLE I.** No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments in the said territory.

**ARTICLE II.** The inhabitants of the said territory shall always be entitled to the benefits of the writs of *habeas corpus*, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law; all persons shall be bailable unless for capital offenses where the proof shall be evident or the presumption great; all fines shall be moderate, and no cruel or unusual punishment shall be inflicted; no man shall be deprived of his liberty or property but by the judgment of his peers, or the law of the land; and should the public exigencies make it necessary for the common preservation to take any person's property, or to demand his particular services, full compensation shall be made for the same; and in the just preservation of rights and property it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall in any manner whatever interfere with, or affect private contracts or engagements, *bona fide* and without fraud previously formed.

**ARTICLE III.** Religion, morality and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands

and property shall never be taken from them without their consent; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made for preventing wrongs being done to them, and for preserving peace and friendship with them.

ARTICLE IV. The said territory, and the States which may be formed therein shall forever remain a part of this confederacy of the United States of America, subject to the Articles of Confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory, shall be subject to pay a part of the Federal debts, contracted or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other states; and the taxes for paying their proportion, shall be laid and levied by the authority and direction of the legislatures of the district or districts, or new states as in the original states, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide* purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters

leading into the Mississippi and Saint Lawrence, and carrying places between the same shall be common highways, and forever free, as well to the inhabitants of the said Territory as to the citizens of the United States, and those of any other states that may be admitted into the confederacy, without any tax, impost, or duty therefor.

ARTICLE V. There shall be formed in the said Territory, not less than three nor more than five states; and the boundaries of the states, as soon as Virginia shall alter her act of cession and consent to the same, shall become fixed and established as follows, to-wit: The western State, in the said Territory, shall be bounded by the Mississippi, the Ohio, and the Wabash Rivers; a direct line drawn from the Wabash and Post Vincents, due north, to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio; by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by said territorial line. The eastern State shall be bounded by the last-mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: Provided, however, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan: and whenever any of the said states shall have sixty thousand free inhabitants

therein, such State shall be admitted by its delegates into the Congress of the United States, on an equal footing with the original states, in all respects whatsoever; and shall be at liberty to form a permanent Constitution and State government: *provided*, the Constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these articles and so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

**ARTICLE VI.** There shall be neither slavery nor involuntary servitude in the said Territory, otherwise than in the punishment of crimes whereof the party shall have been duly convicted: *provided*, always, that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or services as aforesaid.

*Be it ordained* by the authority aforesaid, that the resolutions of the 23d of April, 1784, relative to the subject of this ordinance, be, and the same are hereby repealed and declared null and void.

DONE by the United States in Congress assembled, the 13th day of July, in the year of our Lord 1787, and of their sovereignty and independence the 12th.

CHA. THOMSON, *Secy.*

THE ACT OF CONGRESS DIVIDING THE  
NORTHWEST TERRITORY INTO THE  
NORTHWEST TERRITORY (OF OHIO)  
AND THE TERRITORY OF INDIANA

AN ACT TO DIVIDE THE TERRITORY OF THE  
UNITED STATES NORTHWEST OF THE OHIO, INTO  
TWO SEPARATE GOVERNMENTS, MAY 7, 1800.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, that from and after the fourth day of July next, all that part of the territory of the United States northwest of the Ohio river, which lies to the westward of a line beginning at the Ohio, opposite to the mouth of Kentucky river, and running thence to Fort Recovery, and thence north until it shall intersect the territorial line between the United States and Canada, shall, for the purposes of temporary government, constitute a separate territory and be called the Indiana Territory.

SEC. 2. *And be it further enacted*, that there shall be established within the said territory a government in all respects similar to that provided by the ordinance of Congress, passed on the thirteenth day of July one thousand seven hundred and eighty-seven, for the government of the territory of the United States northwest of the river Ohio; and the inhabitants thereof shall be entitled to, and enjoy all and singular the rights, privileges and advantages granted and secured to the people by the said ordinance.

SEC. 3. *And be it further enacted*, that the officers for the said territory, who by virtue of this act shall be appointed by the President of the United States, by and with the advice and consent of the Senate, shall respectively exercise the same powers, perform the same duties, and receive for their services the same compensations as by the ordinance aforesaid and the laws of the United States, have been provided and established for similar officers in the territory of the United States northwest of the river Ohio. And the duties and emoluments of superintendent of Indian affairs shall be united with those of governor: *Provided*, that the President of the United States shall have full power, in the recess of Congress, to appoint and commission all officers herein authorized; and their commissions shall continue in force until the end of the next session of Congress.

SEC. 4. *And be it further enacted*, that so much of the ordinance for the government of the territory of the United States northwest of the Ohio river, as relates to the organization of a general assembly therein, and prescribes the powers thereof, shall be in force and operate in the Indiana territory, whenever satisfactory evidence shall be given to the governor thereof, that such is the wish of a majority of the freeholders, notwithstanding there may not be therein five thousand free male inhabitants of the age of twenty-one years and upwards: *Provided*, that until there shall be five thousand free male inhabitants of twenty-one years and upward in said territory, the whole number of representatives to the general assembly shall not be less than seven, nor more than nine, to be apportioned by the governor to the several counties in the said territory, agreeably to the number of free males of the age of

twenty-one years and upwards which they may respectively contain.

SEC. 5. *And be it further enacted*, that nothing in this act contained shall be construed so as in any manner to effect the government now in force in the territory of the United States northwest of the Ohio river, further than to prohibit the exercise thereof within the Indiana territory, from and after the aforesaid fourth day of July next: *Provided*, that whenever that part of the territory of the United States which lies to the eastward of a line beginning at the mouth of the Great Miami river, and running thence due north to the territorial line between the United States and Canada, shall be erected into an independent state, and admitted into the Union on an equal footing with the original states, thenceforth said line shall become and remain permanently the boundary line between such state and the Indiana territory; anything in this act contained to the contrary notwithstanding.

SEC. 6. *And be it further enacted*, that until it shall be otherwise ordered by the legislatures of the said territories respectively, Chillicothe, on Scioto river, shall be the seat of the government of the territory of the United States northwest of the Ohio river; and that Saint Vincennes, on the Wabash river, shall be the seat of the government for the Indiana territory.

APPROVED, May 7, 1800.

THE ACT OF CONGRESS DIRECTING THE  
CREATION OF THE STATE OF OHIO,  
1802, WITH SUPPLEMENTARY ACT  
OF MARCH 3, 1803.<sup>1</sup>

AN ACT TO ENABLE THE PEOPLE OF THE EASTERN DIVISION OF THE TERRITORY NORTHWEST OF THE RIVER OHIO TO FORM A CONSTITUTION AND STATE GOVERNMENT, AND FOR THE ADMISSION OF SUCH STATE INTO THE UNION, ON AN EQUAL FOOTING WITH THE ORIGINAL STATES, AND FOR OTHER PURPOSES.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* that the inhabitants of the eastern division of the territory northwest of the river Ohio, be, and they are hereby authorized to form for themselves a Constitution and state government, and to assume such name as they shall deem proper, and the said state, when formed, shall be admitted into the Union, upon the same footing with the original states, in all respects whatever.

SEC. 2. *And be it further enacted,* that the said state shall consist of all the territory included within the following boundaries, to-wit: Bounded on the east by the Pennsylvania line, on the south by the Ohio river, to the mouth of the Great Miami river, on the west by a line drawn due north from the mouth of the Great

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<sup>1</sup> *United States Statutes at Large*, vol. ii, 173.—ED.

Miami, aforesaid, and on the north by an east and west line, drawn through the southerly extreme of Lake Michigan, running east after intersecting the due north line aforesaid from the mouth of the Great Miami, until it shall intersect Lake Erie, or the territorial line, and thence with the same through Lake Erie to the Pennsylvania line, aforesaid: *Provided*, that Congress shall be at liberty at any time hereafter, either to attach all the territory lying east of the line to be drawn due north from the mouth of the Miami, aforesaid, to the territorial line, and north of an east and west line drawn through the southerly extreme of Lake Michigan, running east as aforesaid to Lake Erie, to the aforesaid state, or dispose of it otherwise, in conformity to the fifth article of compact between the original states, and the people and states to be formed in the territory northwest of the river Ohio.

SEC. 3. *And be it further enacted*, that all that part of the territory of the United States, northwest of the river Ohio, heretofore included in the eastern division of said territory, and not included within the boundary herein prescribed for the said state, is hereby attached to, and made a part of the Indiana territory, from and after the formation of the said state, subject nevertheless to be disposed of by Congress, according to the right reserved in the fifth article of the ordinance aforesaid, and the inhabitants therein shall be entitled to the same privileges and immunities, and subject to the same rules and regulations, in all respects whatever, with all other citizens residing within the Indiana territory.

SEC. 4. *And be it further enacted*, that all male citizens of the United States, who shall have arrived at full age, and resided within the said territory at least

one year previous to the day of election, and shall have paid a territorial or county tax, and all persons having in other respects, the legal qualifications to vote for representatives in the general assembly of the territory, be, and they are hereby authorized to choose representatives to form a convention, who shall be apportioned amongst the several counties within the eastern division aforesaid, in a ratio of one representative to every twelve hundred inhabitants of each county, according to the enumeration taken under the authority of the United States, as near as may be, that is to say: from the county of Trumbull, two representatives; from the county of Jefferson, seven representatives, two of the seven to be elected within what is now known by the county of Belmont, taken from Jefferson and Washington counties; from the county of Washington, four representatives; from the county of Ross, seven representatives, two of the seven to be elected in what is now known by Fairfield county, taken from Ross and Washington counties; from the county of Adams three representatives; from the county of Hamilton, twelve representatives, two of the twelve to be elected in what is now known by Clermont county, taken entirely from Hamilton county; and the elections for the representatives aforesaid, shall take place on the second Tuesday of October next, the time fixed by a law of the territory, entitled "An act to ascertain the number of free male inhabitants of the age of twenty-one, in the territory of the United States northwest of the river Ohio, and to regulate the elections of representatives for the same," for electing representatives to the general assembly, and shall be held and conducted in the same manner as is provided by the aforesaid act, except that the qualifications of electors shall be as herein specified.

SEC. 5. *And be it further enacted*, that the members of the convention, thus duly elected, be, and they are hereby authorized to meet at Chillicothe on the first Monday in November next; which convention, when met, shall first determine by a majority of the whole number elected, whether it be or be not expedient at that time to form a Constitution and state government for the people, within the said territory, and if it be determined to be expedient, the convention shall be, and hereby are (is) authorized to form a Constitution and state government, or if it be deemed more expedient, the said convention shall provide by ordinance for electing representatives to form a Constitution or frame of government; which said representatives shall be chosen in such manner, and in such proportion, and shall meet at such time and place, as shall be prescribed by the said ordinance; and shall form for the people of the said state, a constitution and state government; provided the same shall be republican, and not repugnant to the ordinance of the thirteenth of July, one thousand seven hundred and eighty-seven, between the original states and the people and states of the territory northwest of the river Ohio.

SEC. 6. *And be it further enacted*, that until the next general census shall be taken, the said state shall be entitled to one representative in the House of Representatives of the United States.

SEC. 7. *And be it further enacted*, that the following propositions be, and the same are hereby offered to the convention of the eastern state of the said territory, when formed, for their free acceptance or rejection, which, if accepted by the convention, shall be obligatory upon the United States:

*First.* That the section number sixteen, in every town-

ship, and where such section has been sold, granted or disposed of, other lands equivalent thereto and most contiguous to the same, shall be granted to the inhabitants of such township, for the use of schools.

*Second.* That the six miles reservation including the salt springs, commonly called the Scioto salt springs, the salt springs near the Muskingum river, and in the military tract, with the sections of land which include the same, shall be granted to the said state for the use of the people thereof, the same to be used under such terms and conditions and regulations as the legislature of the said state shall direct: *Provided*, the said legislature shall never sell nor lease the same for a longer period than ten years.

*Third.* That one twentieth part of the nett proceeds of the lands lying within the said state sold by Congress, from and after the thirtieth day of June next, after deducting all expenses incident to the same, shall be applied to the laying out and making public roads, leading from the navigable waters emptying into the Atlantic, to the Ohio, to the said state, and through the same, such roads to be laid out under the authority of Congress, with the consent of the several states through which the road shall pass: *Provided always*, that the three foregoing propositions herein offered, are on the conditions that the convention of the state shall provide, by an ordinance irrevocable, without the consent of the United States, that every and each tract of land sold by Congress, from and after the thirtieth day of June next, shall be and remain exempt from any tax laid by order or under authority of the state, whether for state, county, township or any other purpose whatever, for the term of five years from and after the day of sale.

APPROVED APRIL 30, 1802.

SUPPLEMENTARY ACT OF MARCH 3, 1803

AN ACT IN ADDITION TO, AND IN MODIFICATION OF, THE PROPOSITIONS CONTAINED IN THE ACT ENTITLED "AN ACT TO ENABLE THE PEOPLE OF THE EASTERN DIVISION OF THE TERRITORY NORTHWEST OF THE RIVER OHIO, TO FORM A CONSTITUTION AND STATE GOVERNMENT, AND FOR THE ADMISSION OF SUCH STATE INTO THE UNION, ON AN EQUAL FOOTING WITH THE ORIGINAL STATES, AND FOR OTHER PURPOSES."

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* that the following several tracts of land in the state of Ohio, be, and the same are hereby appropriated for the use of schools in that state, and shall, together with all the tracts of land heretofore appropriated for that purpose, be vested in the legislature of that state, in trust for the use aforesaid, and for no other use, intent or purpose whatever, that is to say:

*First.* The following quarter townships in that tract commonly called the "United States military tract," for the use of schools within the same, viz: the first quarter of the third township in the first range, the first quarter of the first township in the fourth range, the fourth quarter of the first township and the third quarter of the fifth township in the fifth range, the second quarter of the third township in the sixth range, the fourth quarter of the second township in the seventh range, the third quarter of the third township in the eighth range, the first quarter of the first township and the first quarter of the third township in the ninth range, the third quarter of the first township in the tenth range, the first and fourth quarters of the third township in the eleventh range, the fourth quarter of the fourth township in the

twelfth range, the second and third quarters of the fourth township in the fifteenth range, the third quarter of the seventh township in the sixteenth range, and the first quarter of the sixth township and third quarter of the seventh township in the eighteenth range, being the one thirty-sixth part of the estimated whole amount of lands within that tract.

*Secondly.* The following quarter townships in the same tract for the use of schools in that tract commonly called the Connecticut reserve, viz: the third quarter of the ninth township and the fourth quarter of the tenth township in the first range, the first and second quarters of the ninth township in the second range, the second and third quarters of the ninth township in the third range, the first quarter of the ninth township and the fourth quarter of the tenth township in the fourth range, the first quarter of the ninth township in the fifth range, the first and fourth quarters of the ninth township in the sixth range, the first and third quarters of the ninth township in the seventh range, and the fourth quarter of the ninth township in the eighth range.

*Thirdly.* So much of that tract, commonly called the "Virginia military reservation," as will amount to one thirty-sixth part of the whole tract, for the use of schools within the same, and to be selected by the legislature of the state of Ohio, out of the unlocated lands in that tract after the warrants issued from the state of Virginia shall have been satisfied; it being however understood, that the donation is not to exceed the whole amount of the above-mentioned residue of such unlocated lands, even if it shall fall short of one thirty-sixth part of the said tract.

*Fourthly.* One thirty-sixth part of all the lands of

the United States lying in the state of Ohio, to which the Indian title has not been extinguished, which may hereafter be purchased of the Indian tribes by the United States, which thirty-sixth part shall consist of the section No. sixteen, in each township, if the said lands shall be surveyed in townships of six miles square, and shall, if the lands be surveyed in a different manner, be designated by lot.

SEC. 2. *And be it further enacted*, that the Secretary of the Treasury shall, from time to time, and whenever the quarterly accounts of the receivers of public moneys of the several land offices shall be settled, pay three per cent. of the nett proceeds of the lands of the United States, lying within the state of Ohio, which since the thirtieth day of June last have been, or hereafter may be sold by the United States, after deducting all expenses incidental to the same, to such person or persons as may be authorized by the legislature of the said state to receive the same, which sums thus paid, shall be applied to the laying out, opening and making roads within the said state, and to no other purpose whatever; and an annual account of the application of the same shall be transmitted to the Secretary of the Treasury, by such officer of the state as the legislature thereof shall direct; and it is hereby declared, that the payments thus to be made, as well as the several appropriations for schools made by the preceding section, are in conformity with, and in consideration of the conditions agreed on by the state of Ohio, by the ordinance of the convention of said state, bearing date the twenty-ninth day of November last.

SEC. 3. *And be it further enacted*, that the sections of land heretofore promised for the use of schools, in

lieu of such of the sections No. 16 as have been otherwise disposed of, shall be selected by the Secretary of the Treasury, out of the unappropriated reserved sections in the most contiguous townships.

SEC. 4. *And be it further enacted*, that one complete township in the state of Ohio, and district of Cincinnati, or so much of any one complete township within the same, as may then remain unsold, together with as many adjoining sections as shall have been sold in the said township, so as to make in the whole thirty-six sections, to be located under the direction of the legislature of the said state, on or before the first day of October next, with the register of the land office of Cincinnati, be, and the same is hereby vested in the legislature of the state of Ohio, for the purpose of establishing an academy, in lieu of the township already granted for the same purpose, by virtue of the act intituled "An act authorizing the grant and conveyance of certain lands to John Cleves Symmes and his associates:" *Provided, however*, that the same shall revert to the United States, if, within five years after the passing of this act, a township shall have been secured for the purpose, within the boundary of the patent granted by virtue of the above-mentioned act, to John Cleves Symmes, and his associates.

SEC. 5. *And be it further enacted*, that the attorney-general for the time being, be directed and authorized to locate and accept from the said John Cleves Symmes, and his associates, any one complete township within the boundaries of the said patent, so as to secure the same for the purpose of establishing an academy, in conformity to the provisions of the said patent, and in case of noncompliance, to take, or direct to be taken,

such measures as will compel an execution of the trust: *Provided, however,* that John Cleves Symmes and his associates shall be released from the said trust, and the said township shall vest in them, or any of them, in fee simple, upon payment into the treasury of the United States, of fifteen thousand three hundred and sixty dollars, with interest from the date of the above mentioned patent, to the day of such payment.

APPROVED March 3, 1803.

## THE ACT OF CONGRESS RECOGNIZING THE STATE OF OHIO AS A MEMBER OF THE UNION

AN ACT TO PROVIDE FOR THE DUE EXECUTION OF  
THE LAWS OF THE UNITED STATES, WITHIN  
THE STATE OF OHIO, FEBRUARY 19, 1803

WHEREAS, the people of the Eastern division of the territory northwest of the river Ohio, did, on the twenty-ninth day of November, one thousand eight hundred and two, form for themselves a Constitution and state government, and did give to the said state the name of the "State of Ohio," in pursuance of an act of Congress, intituled "An act to enable the people of the Eastern division of the territory northwest of the river Ohio, to form a Constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, and for other purposes," whereby the said state has become one of the United States of America; in order therefore to provide for the due execution of the laws of the United States within the said state of Ohio:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* that all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said state of Ohio, as elsewhere within the United States.

SEC. 2. *Be it further enacted,* that the said state shall be one district, and be called the Ohio district; and a

district court shall be held therein, to consist of one judge, who shall reside in the said district, and be called a district judge. He shall hold at the seat of government of the said state, three sessions annually, the first to commence on the first Monday in June next, and the two other sessions progressively on the like Monday of every fourth calendar month afterwards, and he shall in all things have and exercise the same jurisdiction and powers which are by law given to the judge of the Kentucky district: he shall appoint a clerk for the said district, who, shall reside and keep the records of the court at the place of holding the same, and shall receive for the services performed by him, the same fees to which the clerk of the Kentucky district is entitled for similar services.

SEC. 3. *Be it further enacted*, that there shall be allowed to the judge of the said district court, the annual compensation of one thousand dollars, to commence from the date of his appointment, to be paid quarterly-yearly at the treasury of the United States.

SEC. 4. *Be it further enacted*, that there shall be appointed in the said district, a person learned in the law, to act as attorney for the United States, who shall, in addition to his stated fees, be paid by the United States, two hundred dollars annually, as a full compensation for all extra services.

SEC. 5. *And be it further enacted*, that a marshal shall be appointed for the said district, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees as are prescribed to marshals in other districts, and shall moreover be entitled to the sum of two hundred dollars annually, as a compensation for all extra services.

APPROVED February 19, 1803.



**The Constitution of 1802 and Acts,  
Amendments, and Proposed  
Amendments**



## MEMBERS OF THE FIRST CONSTITUTIONAL CONVENTION, 1802

CONSTITUTIONAL CONVENTION OF 1802. Authorized by an act of Congress<sup>2</sup> passed April 30, 1802.

The delegates, 35 in number, were elected October 12, 1802. The convention met in Chillicothe November 1, 1802, and continued in session until November 29, 1802, at which time the constitution was completed. It went into effect at once without being submitted to the electors. A proposition to so submit it was defeated in the convention by a vote of 7 to 27.

Edward Tiffin, President. Thomas Scott, Secretary.

NAMES OF DELEGATES	COUNTY
Abbot, David	Trumbull
Abrams, Henry	Fairfield
Bair, Rudolph	Jefferson
Baldwin, Michael	Ross
Browne, John W.	Hamilton
Byrd, Charles W.	Hamilton
Carpenter, Emanuel	Fairfield
Cladwell, James	Belmont
Cutler, Ephraim	Washington
Darlington, Joseph	Adams
Donaldson, Israel	Adams
Dunlavy, Francis	Hamilton
Gatch, Philip	Clermont
Gilman, Benjamin I.	Washington
Goforth, William	Hamilton
Grubb, James	Ross

<sup>2</sup> United States *Statutes at Large*, vol. ii, 173.—ED.

NAMES OF DELEGATES	COUNTY
Humphrey, George	Jefferson
Huntington, Samuel	Trumbull
Kirker, Thomas	Adams
Kitchel, John	Hamilton
McIntire, John	Washington
Massie, Nathaniel	Ross
Milligan, John	Jefferson
Morrow, Jeremiah	Hamilton
Paul, John	Hamilton
Putnam, Rufus	Washington
Reily, John	Hamilton
Sargent, James	Clermont
Smith, John	Hamilton
Tiffin, Edward	Ross
Updegraff, Nathan	Jefferson
Wells, Bazaleel	Jefferson
Willson, John	Hamilton
Woods, Elijah	Belmont
Worthington, Thomas	Ross

## **THE FIRST CONSTITUTION OF THE STATE OF OHIO, 1802**

We the people of the eastern division of the territory of the United States northwest of the river Ohio, having the right of admission into the general government as a member of the Union, consistent with the Constitution of the United States, the ordinance of Congress of one thousand seven hundred and eighty-seven, and of the law of Congress entitled "An act to enable the people of the eastern division of the territory of the United States northwest of the river Ohio to form a Constitution and state government, and for the admission of such state into the Union, on an equal footing with the original States, and for other purposes;" in order to establish justice, promote the welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish the following Constitution or form of government; and do mutually agree with each other to form ourselves into a free and independent State, by the name of the **STATE OF OHIO**.

### **ARTICLE I – [OF THE LEGISLATIVE POWER]**

**SECTION 1.** The legislative authority of this State shall be vested in a **GENERAL ASSEMBLY**, which shall consist of a Senate and House of Representatives, both to be elected by the people.

**SEC. 2.** Within one year after the first meeting of the General Assembly, and within every subsequent term of

four years, an enumeration of all the white male inhabitants above twenty-one years of age shall be made in such manner as shall be directed by law. The number of Representatives shall, at the several periods of making such enumeration, be fixed by the Legislature and apportioned among the several Counties, according to the number of white male inhabitants above twenty-one years of age in each, and shall never be less than twenty-four nor greater than thirty-six until the number of white male inhabitants above twenty-one years of age shall be twenty-two thousand; and after that event, at such ratio that the whole number of Representatives shall never be less than thirty-six nor exceed seventy-two.

SEC. 3. The Representatives shall be chosen annually, by the citizens of each County, respectively, on the second Tuesday of October.

SEC. 4. No person shall be a Representative who shall not have attained the age of twenty-five years, and be a citizen of the United States and an inhabitant of this State; shall also have resided within the limits of the County in which he shall be chosen one year next preceding his election, unless he shall have been absent on the public business of the United States, or of this State, and shall have paid a State or County tax.

SEC. 5. The Senators shall be chosen biennially, by the qualified voters for Representatives; and on their being convened in consequence of the first election, they shall be divided, by lot, from their respective Counties or Districts, as near as can be, into two classes: the seats of the Senators of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that one-half thereof, as near as possible, may be annually chosen forever thereafter.

SEC. 6. The number of Senators shall, at the several periods of making the enumeration, before mentioned, be fixed by the Legislature, and apportioned among the several Counties or Districts, to be established by law, according to the number of white male inhabitants of the age of twenty-one years in each, and shall never be less than one-third nor more than one-half of the number of Representatives.

SEC. 7. No person shall be a Senator who has not arrived at the age of thirty years, and is a citizen of the United States; shall have resided two years in the County or District immediately preceding the election, unless he shall have been absent on the public business of the United States, or of this State; and shall, moreover, have paid a State or County tax.

SEC. 8. The Senate and House of Representatives, when assembled, shall each choose a Speaker and its other officers; be judges of the qualifications and elections of its members, and sit upon its own adjournments; two-thirds of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

SEC. 9. Each house shall keep a journal of its proceedings, and publish them; the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journals.

SEC. 10. Any two members of either house shall have liberty to dissent from, and protest against, any act or resolution which they may think injurious to the public or any individual, and have the reasons of their dissent entered on the journals.

SEC. 11. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel

a member, but not a second time for the same cause; and shall have all other powers necessary for a branch of the Legislature of a free and independent State.

SEC. 12. When vacancies happen in either house the Governor, or the person exercising the power of the Governor, shall issue writs of election to fill such vacancies.

SEC. 13. Senators and Representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

SEC. 14. Each house may punish, by imprisonment, during their session, any person not a member who shall be guilty of disrespect to the house by any disorderly or contemptuous behavior in their presence; provided such imprisonment shall not, at any one time, exceed twenty-four hours.

SEC. 15. The doors of each house, and of committee of the whole, shall be kept open, except in such cases as, in the opinion of the house requires secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, nor to any other place than that in which the two houses shall be sitting.

SEC. 16. Bills may originate in either house, but may be altered, amended, or rejected by the other.

SEC. 17. Every bill shall be read on three different days in each house, unless, in case of urgency, three-fourths of the house where such bill is pending shall deem it expedient to dispense with this rule; and every bill having passed both houses, shall be signed by the speakers of their respective houses.

SEC. 18. The style of the laws of this State shall be: "Be it enacted by the General Assembly of the State of Ohio."

SEC. 19. The Legislature of this State shall not allow the following officers of government greater annual salaries than as follows, until the year one thousand eight hundred and eight, to-wit: The Governor, not more than one thousand dollars; the Judges of the Supreme Court, not more than one thousand dollars each; the President of the Courts of Common Pleas, not more than eight hundred dollars each; the Secretary of State, not more than five hundred dollars; the Auditor of Public Accounts, not more than seven hundred and fifty dollars; the Treasurer, not more than four hundred and fifty dollars; no member of the Legislature shall receive more than two dollars per day during his attendance on the Legislature, nor more for every twenty-five miles he shall travel in going to and returning from, the General Assembly.

SEC. 20. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this State which shall have been created or the emoluments of which shall have been increased during such time.

SEC. 21. No money shall be drawn from the treasury but in consequence of appropriations made by law.

SEC. 22. An accurate statement of the receipts and expenditures of the public money shall be attached to, and published with, the laws annually.

SEC. 23. The House of Representatives shall have the sole power of impeaching, but a majority of all the members must concur in an impeachment; all impeachments shall be tried by the Senate; and when sitting for that

purpose, the Senators shall be upon oath or affirmation to do justice according to law and evidence: no person shall be convicted without the concurrence of two-thirds of all the Senators.

SEC. 24. The Governor, and all other civil officers under this State, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than removal from office and disqualification to hold any office of honor, profit, or trust under this State. The party, whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment, and punishment, according to law.

SEC. 25. The first session of the General Assembly shall commence on the first Tuesday of March next; and forever after, the General Assembly shall meet on the first Monday of December in every year, and at no other period, unless directed by law or provided for by this Constitution.

SEC. 26. No judge of any court of law or equity, Secretary of State, Attorney-general, register, clerk of any court of record, Sheriff or collector, member of either House of Congress, or persons holding any office under the authority of the United States, or any lucrative office under the authority of this State (provided that appointments in the militia or justices of the peace shall not be considered lucrative offices) shall be eligible as a candidate for, or have a seat in, the General Assembly.

SEC. 27. No person shall be appointed to any office within any County who shall not have been a citizen and inhabitant therein one year next before his appointment, if the County shall have been so long erected, but if the County shall not have been so long erected, then within the limits of the County or Counties out of which it shall have been taken.

SEC. 28. No person who heretofore hath been, or hereafter may be, a collector or holder of public moneys, shall have a seat in either house of the General Assembly until such person shall have accounted for, and paid into the treasury, all sums for which he may be accountable or liable.

#### ARTICLE II – [OF THE EXECUTIVE]

SECTION 1. The supreme executive power of this State shall be vested in a Governor.

SEC. 2. The Governor shall be chosen by the electors of the members of the General Assembly, on the second Tuesday of October, at the same places and in the same manner that they shall respectively vote for members thereof. The returns of every election for Governor shall be sealed up and transmitted to the seat of government by the returning officers, directed to the Speaker of the Senate, who shall open and publish them in the presence of a majority of the members of each house of the General Assembly: the person having the highest number of votes shall be governor; but if two or more shall be equal and highest in votes, one of them shall be chosen Governor by joint ballot of both houses of the General Assembly. Contested elections for Governor shall be determined by both houses of the General Assembly, in such manner as shall be prescribed by law.

SEC. 3. The first Governor shall hold his office until the first Monday of December, one thousand eight hundred and five, and until another Governor shall be elected and qualified to office; and forever after, the Governor shall hold his office for the term of two years, and until another Governor shall be elected and qualified; but he shall not be eligible more than six years in any term of eight years. He shall be at least thirty years

of age, and have been a citizen of the United States twelve years, and an inhabitant of this State four years next preceding his election.

SEC. 4. He shall, from time to time, give to the General Assembly information of the state of the government, and recommend to their consideration such measures as he shall deem expedient.

SEC. 5. He shall have the power to grant reprieves and pardons, after conviction, except in cases of impeachment.

SEC. 6. The Governor shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the term for which he shall have been elected.

SEC. 7. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

SEC. 8. When any officer, the right of whose appointment is, by this Constitution, vested in the General Assembly, shall during the recess, die, or his office by any means become vacant, the Governor shall have power to fill such vacancy, by granting a commission, which shall expire at the end of the next session of the Legislature.

SEC. 9. He may, on extraordinary occasions, convene the General Assembly, by proclamation, and shall state to them, when assembled, the purposes for which they shall have been convened.

SEC. 10. He shall be Commander-in-Chief of the army and navy of this State, and of the militia, except when they shall be called into the service of the United States.

SEC. 11. In case of disagreement between the two

houses with respect to the time of adjournment, the Governor shall have the power to adjourn the General Assembly to such a time as he thinks proper; provided it be not a period beyond the annual meeting of the Legislature.

SEC. 12. In case of the death, impeachment, resignation, or removal of the Governor from office, the Speaker of the Senate shall exercise the office of Governor until he be acquitted or another Governor shall be duly qualified. In case of the impeachment of the Speaker of the Senate, or his death, removal from office, resignation, or absence from the State, the Speaker of the House of Representatives shall succeed to the office, and exercise the duties thereof, until a Governor shall be elected and qualified.

SEC. 13. No member of Congress, or person holding any office under the United States, or this State, shall execute the office of Governor.

SEC. 14. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called "The Great Seal of the State of Ohio."

SEC. 15. All grants and commissions shall be in the name and by the authority of the State of Ohio, sealed with the seal, signed by the Governor, and countersigned by the secretary.

[SECRETARY OF STATE]

SEC. 16. A Secretary of State shall be appointed by a joint ballot of the Senate and House of Representatives, who shall continue in office three years, if he shall so long behave himself well: he shall keep a fair register of the official acts and proceedings of the Governor; and shall, when required, lay the same, and all papers,

minutes, and vouchers relative thereto, before either branch of the Legislature; and shall perform such other duties as shall be assigned him by law.

### ARTICLE III - [OF THE JUDICIARY]

**SECTION 1.** The judicial power of this State, both as to matters of law and equity, shall be vested in a Supreme Court, in Courts of Common Pleas for each County, in Justices of the Peace, and in such other courts as the Legislature may, from time to time, establish.

**SEC. 2.** The Supreme Court shall consist of three Judges, any two of whom shall be a quorum. They shall have original and appellate jurisdiction, both in common law and chancery, in such cases as shall be directed by law; provided, that nothing herein contained shall prevent the General Assembly from adding another Judge to the Supreme Court after the term of five years, in which case the Judges may divide the State into two circuits, within which any two of the Judges may hold a court.

**SEC. 3.** The several Courts of Common Pleas shall consist of a President and Associate Judges. The State shall be divided, by law, into three circuits: there shall be appointed in each circuit a President of the courts, who, during his continuance in office, shall reside therein. There shall be appointed in each County not more than three nor less than two Associate Judges, who, during their continuance in office, shall reside therein. The President and Associate Judges, in their respective Counties, any three of whom shall be a quorum, shall compose the Court of Common Pleas; which court shall have common law and chancery jurisdiction in all such cases as shall be directed by law: provided, that nothing herein contained shall be construed to prevent

the Legislature from increasing the number of circuits and Presidents after the term of five years.

SEC. 4. The Judges of the Supreme Court and Courts of Common Pleas shall have complete criminal jurisdiction in such cases and in such manner as may be pointed out by law.

SEC. 5. The Court of Common Pleas in each County shall have jurisdiction of all probate and testamentary matters, granting administration, the appointment of guardians, and such other cases as shall be prescribed by law.

SEC. 6. The Judges of the Court of Common Pleas shall, within their respective Counties, have the same powers with the Judges of the Supreme Court to issue writs of certiorari to the Justices of the Peace, and to cause their proceedings to be brought before them, and the like right and justice to be done.

SEC. 7. The Judges of the Supreme Court shall, by virtue of their offices, be conservators of the peace throughout the State. The Presidents of the Courts of Common Pleas shall, by virtue of their offices, be conservators of the peace in their respective circuits; and the Judges of the Court of Common Pleas shall, by virtue of their offices, be conservators of the peace in their respective Counties.

SEC. 8. The Judges of the Supreme Court, the Presidents and the Associate Judges of the Courts of Common Pleas shall be appointed by a joint ballot of both houses of the General Assembly, and shall hold their offices for the term of seven years, if so long they behave well. The Judges of the Supreme Court and the Presidents of the Courts of Common Pleas shall, at stated times, receive for their services an adequate compensation, to be fixed by law, which shall not be diminished during their con-

tinuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust under the authority of this State or the United States.

SEC. 9. Each court shall appoint its own clerk, for the term of seven years; but no person shall be appointed clerk, except *pro tempore*, who shall not produce to the court appointing him a certificate from a majority of the Judges of the Supreme Court that they judge him to be well qualified to execute the duties of the office of clerk to any court of the same dignity with that for which he offers himself. They shall be removable for breach of good behavior at any time by the Judges of the respective courts.

SEC. 10. The Supreme Court shall be held once a year in each County, and the Courts of Common Pleas shall be holden in each County at such times and places as shall be prescribed by law.

SEC. 11. A competent number of Justices of the Peace shall be elected by the qualified electors in each township in the several Counties, and shall continue in office three years, whose powers and duties shall, from time to time, be regulated and defined by law.

SEC. 12. The style of all process shall be, "The State of Ohio;" all prosecutions shall be carried on in the name and by the authority of the State of Ohio; and all indictments shall conclude, "against the peace and dignity of the same."

#### ARTICLE IV – [OF ELECTIONS AND ELECTORS]

SECTION 1. In all elections, all white male inhabitants above the age of twenty-one years, having resided in the State one year next preceding the election, and who have paid or are charged with a State or County tax, shall en-

joy the right of an elector; but no person shall be entitled to vote except in the County or District in which he shall actually reside at the time of the election.

SEC. 2. All elections shall be by ballot.

SEC. 3. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same.

SEC. 4. The Legislature shall have full power to exclude from the privilege of electing, or being elected, any person convicted of bribery, perjury, or any other infamous crime.

SEC. 5. Nothing contained in this article shall be so construed as to prevent white male persons above the age of twenty-one years who are compelled to labor on the roads of their respective townships or Counties, and who have resided one year in the State, from having the right of an elector.

#### ARTICLE V – [OF THE MILITIA OFFICERS]

SECTION 1. Captains and Subalterns in the militia shall be elected by those persons, in their respective company districts, subject to military duty.

SEC. 2. Majors shall be elected by the Captains and Subalterns of the battalion.

SEC. 3. Colonels shall be elected by the Majors, Captains, and Subalterns of the regiment.

SEC. 4. Brigadiers-general shall be elected by the commissioned officers of their respective brigades.

SEC. 5. Majors-general and Quartermasters-general shall be appointed by joint ballot of both houses of the Legislature.

SEC. 6. The Governor shall appoint the Adjutant-general. The Majors-general shall appoint their aids.

and other division staff officers. The Brigadiers-general shall appoint their Brigade-majors and other brigade staff officers. The commanding officers of regiments shall appoint their Adjutants, Quartermasters, and other regimental staff officers; and the Captains and Subalterns shall appoint their non-commissioned officers and musicians.

SEC. 7. The Captains and Subalterns of the artillery and cavalry shall be elected by the persons enrolled in their respective corps; and the Majors and Colonels shall be appointed in such a manner as shall be directed by law. The Colonels shall appoint their regimental staff; and the Captains and Subalterns their non-commissioned officers and musicians.

#### ARTICLE VI – [OF CIVIL OFFICERS]

SECTION 1. There shall be elected in each County one Sheriff and one Coroner by the citizens thereof who are qualified to vote for members of the Assembly; they shall be elected at the time and place of holding elections for members of the Assembly: they shall continue in office two years, if they shall so long behave well, and until successors be chosen and duly qualified; provided, that no person shall be eligible as Sheriff for a longer term than four years in any term of six years.

SEC. 2. The State Treasurer and Auditor shall be triennially appointed by a joint ballot of both houses of the Legislature.

SEC. 3. All town and township officers shall be chosen annually by the inhabitants thereof duly qualified to vote for members of Assembly, at such time and place as may be directed by law.

SEC. 4. The appointment of all civil officers not other-

wise directed by this Constitution, shall be made in such manner as may be directed by law.

[ARTICLE VII – [OF OFFICIAL OATHS]]

SECTION 1. Every person who shall be chosen or appointed to any office of trust or profit under the authority of this State, shall, before the entering on the execution thereof, take an oath or affirmation to support the Constitution of the United States and of this State, and also an oath of office.

[BRIBERY AT ELECTIONS]

SEC. 2. Any elector who shall receive any gift or reward for his vote, in meat, drink, money, or otherwise, shall suffer such punishment as the law shall direct; and any person who shall, directly or indirectly, give, promise, or bestow any such reward to be elected, shall thereby be rendered incapable for two years to serve in the office for which he was elected, and be subject to such other punishment as shall be directed by law.

[NEW COUNTIES]

SEC. 3. No new County shall be established by the General Assembly which shall reduce the County or Counties, or either of them, from which it shall be taken to less contents than four hundred square miles; nor shall any County be laid off of less contents. Every new County, as to the right of suffrage and representation, shall be considered as a part of the County or Counties from which it was taken until entitled by numbers to the right of representation.

[THE SEAT OF GOVERNMENT]

SEC. 4. Chillicothe shall be the seat of government

until the year one thousand eight hundred and eight. No money shall be raised until the year one thousand eight hundred and nine by the Legislature of this State for the purpose of erecting public buildings for the accommodation of the Legislature.

[AMENDMENTS TO THE CONSTITUTION]

SEC. 5. That after the year one thousand eight hundred and six, whenever two-thirds of the General Assembly shall think it necessary to amend or change this Constitution, they shall recommend to the electors, at the next election for members to the General Assembly, to vote for or against a convention; and if it shall appear that a majority of the citizens of the State voting for Representative have voted for a convention, the General Assembly shall, at their next session, call a convention, to consist of as many members as there be in the General Assembly, to be chosen in the same manner, at the same place, and by the same electors that choose the General Assembly; who shall meet within three months after the said election, for the purpose of revising, amending, or changing the Constitution. But no alteration of this Constitution shall ever take place so as to introduce slavery or involuntary servitude into this State.

[BOUNDARIES OF THE STATE]

SEC. 6. That the limits and boundaries of this State be ascertained, it is declared that they are as hereafter mentioned; that is to say: bounded on the east by the Pennsylvania line; on the south by the Ohio River to the mouth of the Great Miami River; on the west by the line drawn due north from the mouth of the Great Miami aforesaid; and on the north by an east and west line drawn through the southerly extreme of Lake Michigan, run-

ning east, after intersecting the due north line aforesaid from the mouth of the Great Miami, until it shall intersect Lake Erie, or the territorial line, and thence with the same, through Lake Erie, to the Pennsylvania line aforesaid; provided, always, and it is hereby fully understood and declared by this convention, that if the southerly bend or extreme of Lake Michigan should extend so far south that a line drawn due east from it should not intersect Lake Erie, or if it should intersect the said Lake Erie east of the mouth of the Miami River of the lake, then and in that case with the assent of the Congress of the United States, the northern boundary of this State shall be established by, and extend to, a direct line running from the southern extremity of Lake Michigan to the most northerly cape of the Miami Bay, after intersecting the due north line from the mouth of the Great Miami River as aforesaid, thence northeast to the territorial line, and, by the said territorial line, to the Pennsylvania line.

#### ARTICLE VIII – [BILL OF RIGHTS]

That the general great and essential principles of liberty and free government may be recognized and forever unalterably established, we declare –

SECTION 1. That all men are born equally free and independent, and have certain natural inherent and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety; and every free republican government being founded on their sole authority, and organized for the great purpose of protecting their rights and liberties, and securing their independence – to effect these ends, they have at all times a complete power to alter, reform

or abolish their government whenever they may deem it necessary.

SEC. 2. There shall be neither slavery nor involuntary servitude in this State, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted; nor shall any male person arrived at the age of twenty-one years or female person arrived at the age of eighteen years, be held to serve any person as a servant, under the pretense of indenture or otherwise, unless such person shall enter into such indenture while in a state of perfect freedom, and on condition of a *bona fide* consideration received, or to be received for their service, except as before excepted. Nor shall any indenture of any negro or mulatto hereafter made and executed out of the State, or, if made in the State where the term of servitude exceeds one year, be of the least validity, except those given in the case of apprenticeships.

SEC. 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of conscience; that no human authority can, in any case whatever, control or interfere with the rights of conscience; that no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; and that no preference shall ever be given by law to any religious society or mode of worship, and no religious test shall be required as a qualification to any office of trust or profit. But religion, morality, and knowledge being essentially necessary to good government and the happiness of mankind, schools and the means of instruction shall forever be encouraged by legislative provision not inconsistent with the rights of conscience.

SEC. 4. Private property ought, and shall ever be held inviolate, but always subservient to the public welfare, provided a compensation in money be made to the owner.

SEC. 5. That the people shall be secure in their persons, houses, papers and possessions from unwarrantable searches and seizures and that general warrants, whereby an officer may be commanded to search suspected places without probable evidence of the fact committed, or to seize any person or persons not named whose offenses are not particularly described, and without oath or affirmation, are dangerous to liberty, and shall not be granted.

SEC. 6. That the printing presses shall be open and free to every citizen who wishes to examine the proceedings of any branch of government, or the conduct of any public officer; and no law shall ever restrain the right thereof. Every citizen has an indisputable right to speak, write or print upon any subject as he thinks proper, being liable for the abuse of that liberty. In prosecutions for any publication respecting the official conduct of men in a public capacity, or where the matter published is proper for public information the truth thereof may always be given in evidence; and in all indictments for libels the jury shall have a right to determine the law and the facts under the direction of the court, as in other cases.

SEC. 7. That all courts shall be open, and every person, for an injury done him in his lands, goods, person, or reputation, shall have remedy by the due course of law, and right and justice administered without denial or delay.

SEC. 8. That the right of trial by jury shall be inviolate.

SEC. 9. That no power of suspending laws shall be exercised, unless by the Legislature.

SEC. 10. That no person arrested or confined in jail shall be treated with unnecessary rigor or be put to answer any criminal charge but by presentment, indictment, or impeachment.

SEC. 11. That in all criminal prosecutions, the accused hath a right to be heard by himself and counsel; to demand the nature and cause of the accusations against him and to have a copy thereof; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favor; and in prosecutions by indictment or presentment a speedy public trial by an impartial jury of the County or District in which the offense shall have been committed; and shall not be compelled to give evidence against himself, nor shall he be twice put in jeopardy for the same offense.

SEC. 12. That all persons shall be bailable by sufficient sureties, unless for capital offenses where the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless, when in case of rebellion or invasion, the public safety may require it.

SEC. 13. Excessive bail shall not be required; excessive fines shall not be imposed; nor cruel and unusual punishment inflicted.

SEC. 14. All penalties shall be proportioned to the nature of the offense. No wise Legislature will affix the same punishment to the crimes of theft, forgery, and the like, which they do to those of murder and treason. When the same undistinguishing severity is exerted against all offenses, the people are led to forget the real distinction in the crimes themselves, and to commit the

most flagrant with as little compunction as they do the lightest offenses. For the same reasons, a multitude of sanguinary laws are both impolitic and unjust: the true design of all punishments being to reform, not to exterminate, mankind.

SEC. 15. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditor or creditors, in such manner as shall be prescribed by law.

SEC. 16. No *ex post facto* law, nor any law impairing the validity of contracts, shall ever be made; and no conviction shall work corruption of blood nor forfeiture of estate.

SEC. 17. That no person shall be liable to be transported out of this State for any offense committed within the State.

SEC. 18. That a frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty.

SEC. 19. That the people have a right to assemble together in a peaceable manner to consult for their common good, to instruct their Representatives, and to apply to the Legislature for a redress of grievances.

SEC. 20. That the people have a right to bear arms for the defence of themselves and the State; and as standing armies in time of peace are dangerous to liberty, they shall not be kept up; and that the military shall be kept under strict subordination to the civil power.

SEC. 21. That no person in this State, except such as are employed in the army or navy of the United States, or militia in actual service, shall be subject to corporal punishment under the military law.

SEC. 22. That no soldier, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in the manner prescribed by law.

SEC. 23. That the levying taxes by the poll is grievous and oppressive; therefore the Legislature shall never levy a poll tax for County or State purposes.

SEC. 24. That no hereditary emoluments, privileges, or honors shall ever be granted or conferred by this State.

SEC. 25. That no law shall be passed to prevent the poor in the several Counties and townships within this State from an equal participation in the schools, academies, colleges, and universities within this State which are endowed, in whole or in part, from the revenue arising from the donations made by the United States for the support of schools and colleges; and the doors of the said schools, academies, and universities shall be open for the reception of scholars, students, and teachers of every grade without any distinction or preference whatever contrary to the intent for which the said donations were made.

SEC. 26. That laws shall be passed by the Legislature which shall secure to each and every denomination of religious societies in each surveyed township which now is or may hereafter be formed in the State, an equal participation, according to their number of adherents, of the profits, arising from the land granted by Congress for the support of religion, agreeably to the ordinance or act of Congress making the appropriation.

SEC. 27. That every association of persons, when regularly formed, within this State, and having given themselves a name, may, on application to the Legislature, be entitled to receive letters of incorporation, to enable

them to hold estates, real and personal, for the support of their schools, academies, colleges, universities, and for other purposes.

SEC. 28. To guard against the transgressions of the high powers which we have delegated, we declare that all powers not hereby delegated remain with the people.

#### SCHEDULE

SECTION 1. That no evils or inconveniences may arise from the change of a territorial government to a permanent State government, it is declared by this convention that all rights, suits, actions, prosecutions, claims, and contracts, both as it respects individuals and bodies corporate, shall continue as if no change had taken place in this government.

SEC. 2. All fines, penalties, and forfeitures due and owing to the territory of the United States northwest of the River Ohio, shall inure to the use of the State. All bonds executed to the Governor, or any other officer in his official capacity in the territory, shall pass over to the Governor or the other officers of the State, and their successors in office, for the use of the State, or by him or them to be respectively assigned over to the use of those concerned, as the case may be.

SEC. 3. The Governor, Secretary, and Judges, and all other officers under the territorial government, shall continue in the exercise of the duties of their respective departments until the said officers are superseded under the authority of this Constitution.

SEC. 4. All laws and parts of laws now in force in this territory, not inconsistent with this Constitution, shall continue and remain in full effect until repealed by the Legislature, except so much of the act entitled "an act

regulating the admission and practice of attorneys and counselors-at-law," and of the act made amendatory thereto, as relates to the term of time which the applicant shall have studied law, his residence within the territory, and the term of time which he shall have practiced as an attorney-at-law before he can be admitted to the degree of a counselor-at-law.

SEC. 5. The Governor of the State shall make use of his private seal until a State seal be procured.

SEC. 6. The President of the convention shall issue writs of election to the Sheriffs of the several Counties, requiring them to proceed to the election of a Governor, members of the General Assembly, Sheriffs, and Coroners, at the respective election districts in each County, on the second Tuesday of January next; which election shall be conducted in the manner prescribed by the existing election laws of this territory: and the members of the General Assembly, Sheriffs and Coroners, then elected shall continue to exercise the duties of their respective offices until the next annual or biennial election thereafter, as prescribed in this Constitution, and no longer.

SEC. 7. Until the first enumeration shall be made, as directed in the second section of the first article of this Constitution, the County of Hamilton shall be entitled to four Senators and eight Representatives; the County of Clermont, one Senator and two Representatives; the County of Adams, one Senator and three Representatives; the County of Ross, two Senators and four Representatives; the County of Fairfield, one Senator and two Representatives; the County of Washington, two Senators and three Representatives; the County of Belmont, one Senator and two Representatives; the County

of Jefferson, two Senators and four Representatives; and the County of Trumbull, one Senator and two Representatives.

DONE in convention, at Chillicothe, the twenty-ninth day of November, in the year of our Lord 1802, and of the independence of the United States of America, the twenty-seventh.

## PROPOSAL TO HOLD A CONSTITUTIONAL CONVENTION, 1819

Proposed by joint resolution of the General Assembly,  
December 25, A.D. 1818.<sup>a</sup> Submitted to the electors, October  
12, 1819.

Vote for the convention . . . . .	6,987
Against the convention <sup>“a”</sup> . . . . .	29,315
Not adopted.	

RESOLVED by the General Assembly of the State of Ohio (two-thirds of the members of each house of the general assembly concurring therein), that it is necessary to amend the Constitution of the state of Ohio; and do hereby recommend to the electors, at the next election for members of the general assembly to vote for or against a convention, agreeably to the provisions of the fifth section of the seventh article of the Constitution: and the judges of elections, held within each township of this state, shall receive and transmit with the return of votes given for members of the general assembly, to the clerk of the court of common pleas within their respective counties, a statement of all votes given within their respective townships, for and against a convention: and the clerks of the courts of common pleas in the several counties within the state, are directed to include in the general abstracts of votes, given within their respective counties for members of the general assembly, a statement of the number of votes returned to their respective offices for and against a convention; and forward the same to the secretary of state's office previous to the next session of the general assembly.

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<sup>a</sup> *Laws of Ohio*, vol. xvii, 217.—ED.

<sup>“a”</sup> No returns were made from Fairfield, Huron, Hocking, Medina, Morgan, Sciota, and Wayne Counties.—ED.

## PROPOSAL TO HOLD A CONSTITUTIONAL CONVENTION, 1849

Proposed by joint resolution of the General Assembly. Submitted to the electors, October 9, 1849.

Whole vote cast . . . . .	235,370
For convention . . . . .	145,698
Against convention * . . . . .	51,167

Adopted.

**RESOLVED** by the General Assembly of the State of Ohio (two-thirds of the members of each house of the General Assembly concurring therein), that it is necessary to amend the Constitution of the State of Ohio; and that we do hereby recommend to the electors at the next election for members of the General Assembly to vote for or against a convention agreeably to the provisions of the fifth section of the seventh article of the Constitution; and the judges of elections held within each and every township of this state, shall receive and transmit with the returns of votes given for members of the General Assembly, to the clerk of the court of common pleas within their respective counties a statement of all votes given within their respective townships for and against a convention, and the clerks of the courts of common pleas in the several counties within this state are directed to include in the general abstract of votes given within their respective counties for members of the General Assembly, a statement of the number of votes given within their respective counties for and against a convention to amend the Constitution of this state, and returned to their respective officers, and forward the same to the office of the secretary of state, previous to the next session of the general assembly.<sup>6</sup>

<sup>4</sup> Ashland and Hocking Counties made no reports as to the number of votes against holding the convention. — Ed.

<sup>5</sup> *Laws of Ohio*, vol. xlvi, 395. — Ed.

## **ACT TO PROVIDE FOR CALLING A CONSTITUTIONAL CONVENTION, 1850**

**WHEREAS** a majority of the citizens of this State, voting for Representatives to the General Assembly, did, at the last annual election of members thereof, vote for a convention to revise, amend, or change the Constitution of this State; therefore,

**SECTION 1.** Be it enacted by the General Assembly of the State of Ohio, That a convention to revise, amend, or change the Constitution of this state, be, and the same is hereby called to consist of one hundred and eight members, who shall convene in the Hall of the House of Representatives, in the city of Columbus, on the first Monday in May, A.D. 1850, and the convention shall have power to adjourn to such place or places, in this state, as said convention may deem proper.

**SEC. 2.** That the qualified electors of the several counties and senatorial districts of this state, shall, on the first Monday of April next, assemble in their usual places of holding elections in their several townships and wards, and elect a number of members, having all the qualifications of an elector, to represent, respectively, said counties and districts in said convention, equal to the number of representatives and senators in the General Assembly, to which said counties and districts are now respectively entitled by law, to wit:

The county of Hamilton, seven members.

The county of Butler, two members.

The county of Preble, one member.

*[Handwritten signature]*

The county of Montgomery, one member.

The counties of Montgomery and Preble, two members, to be elected in common.

The county of Brown, one member; and the county of Clermont, one member; and the last named counties, one member in common.

The county of Warren, one member; the county of Clinton, one member; and the county of Green, one member; and the three last named counties, one member in common.

The counties of Champaign, Clark and Madison, three members to be elected in common.

The county of Miami, one member; and the counties of Shelby and Darke, one member; and the three last named counties, one member to be elected in common.

The counties of Logan and Hardin, one member; and Union and Marion, one member; and the four last named counties, one member to be elected in common.

The counties of Allen, Mercer and Auglaize, one member; the counties of Putnam, Van Wert, Paulding, Defiance and Williams, one member, and the eight last named counties, one member to be elected in common.

The counties of Lucas and Henry, one member; and the counties of Wood, Ottawa and Sandusky, one member; and the five last named counties, one member to be elected in common.

The county of Franklin, one member; and the county of Delaware, one member; and the two last named counties, two members to be elected in common.

The counties of Ross and Pickaway, three members, to be elected in common.

The counties of Highland and Fayette, two members, to be elected in common.

The counties of Adams and Pike, one member; and the counties of Scioto and Lawrence, one member; and the four last named counties, one member to be elected in common.

The county of Licking, two members.

The county of Fairfield, one member; and the counties of Perry and Hocking, one member; and the last three named counties, two members to be elected in common.

The counties of Gallia and Jackson, one member; the counties of Athens and Meigs, one member; and the four last named counties, two members to be elected in common.

The county of Muskingum, two members.

The county of Washington, one member; and the county of Morgan, one member; and the two last named counties, one member to be elected in common.

The county of Guernsey, one member; and the county of Coshocton, one member; and the two last named counties, one member to be elected in common.

The counties of Tuscarawas and Carroll, three members to be elected in common.

The county of Jefferson, one member; and the county of Harrison, one member; and the two last named counties, one member to be elected in common.

The county of Columbiana, one member; and the county of Mahoning, one member; and the two last named counties, one member to be elected in common.

The county of Belmont, one member; and the county of Monroe, one member; and the two last named counties, one member to be elected in common; and the counties of Belmont and Guernsey, one member to be elected in common.

The county of Stark, two members.

The counties of Wayne and Ashland, three members to be elected in common.

The counties of Knox and Holmes, three members to be elected in common.

The counties of Richland and Crawford, three members to be elected in common.

The county of Seneca, one member; and the counties of Hancock and Wyandot, one member; and the last three named counties, one member to be elected in common.

The counties of Ashtabula and Lake, three members to be elected in common.

The counties of Trumbull and Geauga, three members to be elected in common.

The county of Portage, one member; and the county of Summit, one member; and the two last named counties, one member to be elected in common.

The county of Medina, one member; and the county of Lorain, one member; and the two last named counties, one member to be elected in common.

The counties of Huron and Erie, two members to be elected in common.

The county of Cuyahoga, two members.

Provided, however, that for all the purposes of this act, the boundaries of the several counties aforesaid, shall be deemed and taken to be as the same existed on the 18th of February, 1848.

SEC. 3. The said election shall in all respects be conducted, and the returns thereof made, and the result thereof certified, in like manner as is provided by law for the election of representatives and senators in the General Assembly. The officers of said election shall be

entitled to the same compensation as is by law provided for like services, and shall, with the voters, be subject to the same penalties imposed by the several laws regulating elections, and to preserve the purity thereof, so far as the same may be applicable. The sheriffs of the several counties shall issue proclamations for the election of members of said convention, in like manner as they are by law required to do for the election of members of the General Assembly.

SEC. 4. That the General Assembly shall appoint by joint resolution, a reporter, who shall engage and organize an efficient corps of assistants, and report the debates and proceedings of said convention, under the direction and control thereof, and the convention shall secure the copyright for the state, and provide for the publication of said proceedings and debates in a durable form. The reporter shall have authority to make arrangements for the daily publication of said proceedings and debates, with the publishers of the Ohio Statesman and Ohio State Journal, and superintend the same: Provided, that said publication shall be given to neither of said papers exclusively; and provided further, that the whole price paid for such publication, shall not exceed the sum of twenty-five cents per thousand ems for composition. The reporter shall upon the organization of the convention, report to the same, the number and names of his assistants, and the compensation allowed to each, respectively, and also the arrangements he has made for the daily publication of the proceedings and debates, as above mentioned, and submit the same to the action of said convention.

SEC. 5. The members of said convention shall be entitled to a compensation of three dollars per day, and

mileage, at the rates allowed to members of the General Assembly, and be entitled to the same privileges. Said convention shall have power to appoint and employ such officers and assistants as may be necessary, and fix their compensation. It shall, on its order, receive from the secretary of state, all necessary stationery, and the officers of the state shall at all times furnish to it, on requisition, such information as may be in their power.

SEC. 6. That the sum of forty thousand dollars be, and the same is hereby appropriated out of the general revenue of the state to pay the expenses of said convention.

SEC. 7. That the journal of the proceedings of said convention shall be filed in the office of the secretary of state; and that the amendments, revisions or alterations agreed upon by said convention, shall be submitted to the people for their adoption or rejection, by a vote for that purpose, at such time as the convention shall direct; and every person having the qualifications of an elector, under laws now in force, may vote thereon, in the township or ward in which he shall reside, and not elsewhere. The convention shall prescribe the form and manner of voting, and of the publication or notice to be given of said election. At the election mentioned in this section, the judges of said election shall receive the vote in the form to be prescribed by the said convention; and all the provisions of the laws of this state in relation to elections, shall apply to the voting upon said amendments, revisions or alterations, so far as the same can be made applicable thereto; and the votes given upon said alterations, amendments or revisions, shall be given and canvassed, and all proceedings shall be had in respect to the same, as nearly as practicable, in

the manner prescribed by law, relative to votes given for governor. It shall be the duty of the governor to lay before the General Assembly, at its next session after the taking of said vote, the vote for accepting or rejecting said revisions, alterations or amendments, which vote shall be canvassed by the said general assembly, in the same manner as votes for governor are now required to be canvassed: Provided, however, that if said convention shall complete their labors and adjourn sine die at any time before the first day of September, 1850, then the amendments, revisions or alterations agreed upon by said convention, shall be submitted to the people, for their adoption or rejection, by a vote for that purpose, on the second Tuesday of October next ensuing.

SEC. 8. Should any vacancy or vacancies occur by death, resignation or otherwise, in the number of members elected to said convention, the acting governor shall issue writs of election to fill such vacancy or vacancies, and the same shall be filled in the manner prescribed by law for filling vacancies in the office of senator or representative in the General Assembly.

SEC. 9. The secretary of state is hereby required to cause to be transmitted to the several clerks of the courts of common pleas in this state, such a number of copies of this act as shall be sufficient to supply a copy thereof to each board of judges of election in their respective counties.

**The Constitution of 1851 and Acts,  
Amendments, and Proposed  
Amendments, also the  
Proposed Constitu-  
tion of 1874**



## MEMBERS OF THE SECOND CONSTITUTIONAL CONVENTION OF 1850-1851

CONSTITUTIONAL CONVENTION<sup>6</sup> OF 1850-1851. The election of delegates was held April 1, 1850, and resulted in the election of 68 Democrats, 41 Whigs, and 3 Free-soilers — 108 in all. The convention met in the hall of the house of representatives at Columbus May 6, 1850, and elected Colonel William Medill of Fairfield County, president, and William H. Gill of Guernsey, secretary.

The convention consisted of 43 lawyers, 30 farmers, 8 physicians, 6 merchants, 6 editors, 4 surveyors, 3 printers, 2 blacksmiths, 2 carpenters, and all others 4. Thirty of the delegates were born in Ohio, 25 in Pennsylvania, 10 in Connecticut, 9 in New York, 8 in Virginia, 5 in Massachusetts, 4 in Maryland, 3 in Kentucky, 3 in Vermont, 2 in New Hampshire, and one in each of the following: Georgia, Tennessee, New Jersey, Delaware, and District of Columbia. Only four were of foreign birth, two having been born in England, one in Ireland, and one in Germany. One hundred were married, and eight single. Eight were over 60 years of age, and 4 were under 30, while 77 were over 40 and 31 under 40.

The convention continued in session from May 6, 1850 to July 9, 1850, at which time it adjourned to meet in Cincinnati, December 2, 1850; after which it continued in session until final adjournment March 10, 1851. The whole time in session was 163 days.

The Constitution was submitted to the electors June 17, 1851, and received 125,564 for it to 109,276 against it. The votes of Auglaize and Defiance counties were not included in these numbers as they were not received within the twenty days allowed by law.

The question of licensing the liquor traffic was submitted as a separate proposition and defeated by a vote of 113,237 to 104,255.

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<sup>6</sup> See Act calling convention passed by the General Assembly, February 22, 1850, in *Ohio Laws*, vol. xlviii, 19. — Ed.

MEMBERS OF THE CONSTITUTIONAL CONVENTION, 1850-1851

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**William Medill, President**

NAMES	COUNTY	BIRTHPLACE	AGE	OCCUPATION.
Andrews, S. J.	Cuyahoga	Connecticut	48	Lawyer
Archbold, Edward	Monroe	District of Columbia	40	Lawyer
Barbee, William	Miami	Kentucky	61	Merchant
Barnet, David	Preble	Pennsylvania	49	Miller
Barnett, Joseph	Montgomery	Pennsylvania	66	Farmer
Bates, William S.	Jefferson	Virginia	44	Physician
Bennett, Alden I.	Tuscarawas	New York	43	Physician
Blair, John H.	Brown	Tennessee	57	Farmer
Blickensderfer, Jacob	Tuscarawas	Pennsylvania	60	Farmer
Brown, A. G.	Athens	Ohio	52	Lawyer
Brown, Van	Carroll	Virginia	48	Lawyer
Cahill, Richard W.	Crawford	Pennsylvania	45	Farmer
Case, F.	Hocking	Connecticut	32	Lawyer
Case, L.	Licking	Connecticut	37	Lawyer
Chambers, David	Muskingum	Pennsylvania	69	Farmer
Chany, John <sup>7</sup>	Fairfield	Maryland	61	Lawyer and Farmer
Clark, H. D.	Lorain	Connecticut	44	Lawyer and Farmer
Collings, George	Adams	Ohio	50	Lawyer
Cooke, Friend	Portage	Connecticut	52	Physician

<sup>7</sup> In place of Daniel A. Robertson, resigned. — Ed.

Curry, Orway	Union	Ohio	43
Cutler, Wm. P.	Washington	Ohio	37
Dorsey, G. Volney	Miami	Ohio	37
Ewart, Thomas W.	Washington	Ohio	34
Ewing, John	Hancock	Pennsylvania	44
Farr, Joseph M.	Huron	New York	39
Florence, Elias	Pickaway	Virginia	52
Forbes, Robert	Mahoning	Pennsylvania	57
Gillett, H. N.	Lawrence	Connecticut	51
Graham, John	Franklin	Virginia	38
Gray, H. C.	Lake	Pennsylvania	33
Green, John L.	Ross	Virginia	44
Greene, Jacob J.	Defiance	Ohio	29
Gregg, Henry H.	Columbiana	Virginia	40
Groesbeck, W. S.	Hamilton	New York	34
Hamilton, C. S.	Union	Ohio	29
Hard, D. D. T.	Jackson	Ohio	32
Harlan, A.	Greene	Ohio	47
Hawkins, William	Morgan	Pennsylvania	53
Henderson, James P.	Richland	Pennsylvania	47
Hitchcock, Peter	Geauga	Connecticut	68
Hitchcock, Reuben	Cuyahoga	Ohio	43
Holmes, G. W.	Hamilton	Ohio	44
Holt, George B.	Montgomery	Connecticut	59

NAMES	COUNTY	BIRTHPLACE	AGE	OCCUPATION
Hootman, John J.	Ashland	Pennsylvania	35	Blacksmith
Horton, V. B.	Meigs	Vermont	47	Lawyer
Humpherville, S.	Medina	Massachusetts	42	Lawyer
Hunt, John E.	Lucas	Ohio	52	Merchant
Hunter, B. B.	Ashtabula	New York	40	County Surveyor
Johnson, John	Coshcocton	Ireland	43	Farmer
Jones, J. Dan	Hamilton	Ohio	31	Farmer
Kennon, William	Belmont	Pennsylvania	51	Lawyer
King, James B.	Butler	Virginia	47	Farmer
Kirkwood, S. J.	Richland	Maryland	36	Lawyer
Larsh, Thomas J.	Preble	Ohio	41	Surveyor
Lawrence, William	Wayne	England	47	Merchant
Leadbetter, D. P.	Guernsey	Ohio	36	Merchant
Leech, Robert	Perry	Massachusetts	52	Farmer
Lidey, John	Brown	Pennsylvania	25	Attorney
Loudon, James	Madison	Kentucky	54	Farmer, etc.
McCloud, Charles	Adams	Vermont	42	Merchant
McCormick, J.	Licking	Ohio	35	Lawyer
Manon, H. S.	Clark	Pennsylvania	40	Farmer
Mason, Samson	Knox	Ohio	57	Lawyer
Mitchell, M. H.	Harrison	Ohio	42	Lawyer
Morsehead, Samuel		Pennsylvania	55	Farmer

Morris, Isaiah	Clinton	Pennsylvania	62
Nash, Simeon	Gallia	Massachusetts	45
Norris, S. F.	Clermont	New Hampshire	36
Orton, C. J.	Sandusky	New York	34
Otis, William S. C.	Summit	Massachusetts	41
Patterson, Thomas	Highland	Kentucky	50
Peck, Daniel	Belmont	Vermont	52
Perkins, Jacob	Trumbull	Ohio	28
Quigley, Samuel	Columbiana	Pennsylvania	53
Ramney, R. P.	Trumbull	Massachusetts	36
Rümelin, Charles	Hamilton	Germany	36
Riddle, A. N.	Hamilton	Ohio	44
Roll, E. C.	Hamilton	Ohio	34
Sawyer, William	Auglaize	Ohio	45
Scott, Josiah	Harrison	Pennsylvania	48
Scott, Sabirt	Auglaize	Ohio	38
Sellers, John	Knox	Pennsylvania	55
Smith, B. P.	Wyandot	Georgia	31
Smith, G. J.	Warren	Ohio	50
Smith, John A.	Highland	Ohio	35
Stanberry, Henry	Franklin	New York	47
Stanton, Benjamin	Logan	Ohio	40
Siebbins, Albert V.	Henry	Connecticut	39
Stickney, E. T.	Seneca	New York	38

NAMES	COUNTRY	BIRTHPLACE	AGE	OCCUPATION
Stridger, Harman	Stark	Pennsylvania	50	Physician and Farmer
Stilwell, Richard	Muskingum	Pennsylvania	53	Lawyer
Struble, James	Hamilton	New Jersey	50	Farmer
Swan, J. R.	Franklin	New York	47	Lawyer
Swift, L.	Summit	Connecticut	42	Farmer
Taylor, James W.	Erie	New York	Editor	
Thompson, H.	Shelby	Pennsylvania	42	Attorney
Thompson, Joseph	Stark	Virginia	56	Farmer
Townshend, Norton S.	Lorain	England	34	Physician
Vance, Elijah	Butler	Maryland	48	Lawyer
Vance, Joseph	Champaign	Pennsylvania	65	Farmer
Warren, W. M.	Delaware	Pennsylvania	47	Farmer
Way, Thomas A.	Monroe	Maryland	44	Farmer
Williams, J. Milton	Warren	Ohio	41	Attorney
Wilson, E. <sup>a</sup>	Wayne	Ohio	49	Farmer
Woodbury, E. B.	Ashtabula	New Hampshire	44	Attorney
Worthington, James T. <sup>b</sup>	Ross	Ohio	48	Farmer
Medill, William, President	Fairfield	Delaware	48	Attorney
Gill, W. H., Secretary	Guernsey	Pennsylvania	24	Printer and Editor

<sup>a</sup> In place of Leander Firestone, resigned.—Ed.

<sup>b</sup> In place of Wesley Claypool, resigned.—Ed.



*Constitution of the State of Ohio*

We the people of the State of Ohio, grateful to Almighty God for our freedom to assemble, do  
hereby ordain and establish this Constitution.

Article 1.  
Bill of Rights.

*Section 4.* All men are, by nature, free and independent, and have certain unalienable rights among which are those of enjoying and defending life and liberty; of pursuing happiness; of freely pursuing and obtaining knowledge; and of the means of safety.

**Section 2.** All political power is inherent in the people. Government is instituted for their equal protection and benefit; and they have the right to alter or abolish it whenever the same, whenever they may be, becomes destructive of these ends; and that every individual, as a member, shall be entitled to participate in the government, or in the law-making power, and no one, except a citizen, shall be entitled to any title, honor, reward, or emolument by the government of the people.

*Section 3. The people have the right to arm themselves in small numbers to defend their common good, to instruct their Agent and, not to give them the command of arms for the safety of*

*Article I. The people have the right to bear arms for their defense and security; but standing armies, or troops, in time of peace, are dangerous to liberty, and shall not be kept up; and the military shall be subject to due control by the most honorab.*

*Section 6. The right of trial by jury shall be inviolate.*

*Section 6. This shall be in addition to the State and County boundaries existing for the  
Government of others.*

Action of all men based on natural and unalienable right to worship - I brought my  
marking to the decided of their own conscience. A factor shall be brought into it, that is, no religious or  
any other of earthly or unmaterial way form of worship, against his mind, and no influence shall be given by law  
to any religious tenet; now shall any interference with the right of man to be permitted. And he who shall  
shall be excommunicated, as a great sin for offence, over shall any man be compelled to do anything against  
his religious belief, but nothing known shall be mentioned to a saint with either his affection. And you  
men of all sects and denominations, however, being separated, so will be excommunicated shall be the persons of  
any of ecclesiastical law to forbid any religious communication or the freedom to practice of any kind of public  
worship, or to encourage schisms and dissensions among them.

Section C - The  
Walls of the Gorge

*Peter & Nellie*

FACSIMILE OF FIRST PAGE OF THE SECOND CONSTITUTION OF OHIO, 1851

The original is preserved in the office of the secretary of state, Columbus, Ohio.

## **THE SECOND CONSTITUTION OF THE STATE OF OHIO**

**DONE IN CONVENTION AT CINCINNATI,  
MARCH 10, 1851**

**We the people of the State of Ohio, grateful to Almighty God for our freedom, to secure its blessings and promote the common welfare, do establish this Constitution.**

### **ARTICLE I – BILL OF RIGHTS**

**SECTION 1. All men are, by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and seeking and obtaining happiness and safety.**

**SEC. 2. All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform, or abolish the same, whenever they may deem it necessary; and no special privileges or immunities shall ever be granted that may not be altered, revoked, or repealed by the General Assembly.**

**SEC. 3. The people have the right to assemble together, in a peaceable manner, to consult for their common good; to instruct their representatives; and to petition the General Assembly for the redress of grievances.**

**SEC. 4. The people have the right to bear arms for their defense and security; but standing armies, in time**

of peace, are dangerous to liberty, and shall not be kept up; and the military shall be in strict subordination to the civil power.

SEC. 5. The right of trial by jury shall be inviolate.

SEC. 6. There shall be no slavery in this state, nor involuntary servitude unless for the punishment of crime.

SEC. 7. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect, or support any place of worship or maintain any form of worship, against his consent; and no preference shall be given, by law, to any religious society; nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the General Assembly to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools, and the means of instruction.

SEC. 8. The privilege of the writ of habeas corpus shall not be suspended, unless in cases of rebellion or invasion the public safety requires it.

SEC. 9. All persons shall be bailable by sufficient sureties, except for capital offenses where the proof is evident, or the presumption great. Excessive bail shall not be required; nor excessive fines imposed; nor cruel and unusual punishment inflicted.

SEC. 10. Except in cases of impeachment, and cases

arising in the army and navy, or in the militia when in actual service in time of war or public danger, in cases of petit larceny and other inferior offenses, no person shall be held to answer for a capital, or otherwise infamous crime, unless on presentment or indictment of a grand jury. In any trial, in any court, the party accused shall be allowed to appear and defend in person and with counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; be the witnesses face to face, and to have compulsory process to procure the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed; nor shall any person be compelled, in any criminal case, to be a witness against himself, or be twice put in jeopardy for the same offense.

SEC. 11. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of the right; and no law shall be passed to restrain or abridge the liberty of speech, or of the press. In all criminal prosecutions for libel, the truth may be given in evidence to the jury, and if it shall appear to the jury that the matter as charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted.

SEC. 12. No person shall be transported out of the state, for any offense committed within the same; and no conviction shall work corruption of blood, or forfeiture of estate.

SEC. 13. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor, in time of war, except in the manner prescribed by law.

SEC. 14. The right of the people to be secure in their

persons, houses, papers, and possessions, against unreasonable searches and seizures shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched and the person and things to be seized.

SEC. 15. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud.

SEC. 16. All courts shall be open, and every person, for an injury, done him in his land, goods, person, or reputation, shall have remedy by due course of law, and justice administered without denial or delay.

SEC. 17. No hereditary emoluments, honors, or privileges, shall ever be granted or conferred by this state.

SEC. 18. No power of suspending laws shall ever be exercised, except by the General Assembly.

SEC. 19. Private property shall ever be held inviolate, but subservient to the public welfare. When taken in time of war, or other public exigency, imperatively requiring its immediate seizure, or for the purpose of making or repairing roads, which shall be open to the public, without charge, a compensation shall be made to the owner, in money, and in all other cases where private property shall be taken for public use, a compensation therefor shall first be made in money, or first secured by a deposit of money, and such compensation shall be assessed by a jury, without deduction for benefits to any property of the owner.

SEC. 20. This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers, not herein delegated, remain with the people.

**ARTICLE II – LEGISLATIVE**

**SECTION 1.** The legislative power of this state shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

**SEC. 2.** Senators and Representatives shall be elected biennially, by the electors in the respective counties or districts, on the second Tuesday of October; their term of office shall commence on the first day of January next thereafter, and continue two years.<sup>10</sup>

**SEC. 3.** Senators and representatives shall have resided in their respective counties or districts one year next preceding their election, unless they shall have been absent on the public business of the United States or of this state.

**SEC. 4.** No person holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible to or have a seat in the General Assembly; but this provision shall not extend to township officers, justices of the peace, notaries public, or officers of the militia.

**SEC. 5.** No person hereafter convicted of an embezzlement of the public funds shall hold any office in this state; nor shall any person holding public money for disbursement or otherwise, have a seat in the General Assembly until he shall have accounted for and paid such money into the treasury.

**SEC. 6.** Each house shall be judge of the election returns, and qualifications of its own members; a majority of all the members elected to each house shall be a quorum to do business; but a less number may adjourn from day to day, and compel the attendance of absent

<sup>10</sup> Amended Oct. 13, 1885; *Laws of Ohio*, vol. lxxii, 446. See page 254.—Ed

members, in such manner and under such penalties as shall be prescribed by law.

SEC. 7. The mode of organizing the house of representatives, at the commencement of each regular session, shall be prescribed by law.

SEC. 8. Each house, except as otherwise provided in this Constitution, shall choose its own officers, may determine its own rules of proceeding, punish its members for disorderly conduct; and with the concurrence of two-thirds expel a member, but not the second time for the same cause; and shall have all other powers necessary to provide for its safety, and the undisturbed transaction of its business.

SEC. 9. Each house shall keep a correct journal of its proceedings, which shall be published. At the desire of any two members, the yeas and nays shall be entered upon the journal; and, on the passage of every bill, in either house, the vote shall be taken by yeas and nays, and entered upon the journal; and no law shall be passed in either house without the concurrence of a majority of all the members elected thereto.

SEC. 10. Any member of either house shall have the right to protest against any act or resolution thereof; and such protest, and the reasons therefor, shall, without alteration, commitment, or delay, be entered upon the journal.

SEC. 11. All vacancies which may happen in either house shall, for the unexpired term, be filled by election, as shall be directed by law.

SEC. 12. Senators and Representatives, during the session of the General Assembly, and in going to and returning from the same, shall be privileged from arrest in all cases except treason, felony, or breach of the

peace; and for any speech or debate, in either house, they shall not be questioned elsewhere.

SEC. 13. The proceedings of both houses shall be public, except in cases which, in the opinion of two-thirds of those present, require secrecy.

SEC. 14. Neither house shall, without the consent of the other, adjourn for more than two days, Sundays excluded; nor to any other place than that in which the two houses shall be in session.

SEC. 15. Bills may originate in either house; but may be altered, amended, or rejected in the other.

SEC. 16. Every bill shall be fully and distinctly read on three different days, unless in case of urgency three-fourths of the house in which it shall be pending, shall dispense with this rule. No bill shall contain more than one subject, which shall be clearly expressed in its title, and no law shall be revived or amended unless the new act contain the entire act revived, or the section or sections amended, and the section or sections so amended shall be repealed.\*

SEC. 17. The presiding officer of each house shall sign publicly, in the presence of the house over which he presides, while the same is in session, and capable of transacting business, all bills and joint resolutions passed by the General Assembly.

SEC. 18. The style of the laws of this state shall be, "*Be it enacted by the General Assembly of the State of Ohio.*"

SEC. 19. No Senator or Representative shall, during the term for which he shall have been elected, or for one year thereafter, be appointed to any civil office

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\* Amended, Nov. 3, 1903. *Laws of Ohio*, vol. xciv, 962. See page 282.—ED.

under this state which shall be created or the emoluments of which shall have been increased during the term for which he shall have been elected.

SEC. 20. The General Assembly in cases not provided for in this Constitution, shall fix the term of office and the compensation of all officers; but no change therein shall affect the salary of any officer during his existing term, unless the office be abolished.

SEC. 21. The General Assembly shall determine, by law, before what authority, and in what manner, the trial of contested elections shall be conducted.

SEC. 22. No money shall be drawn from the treasury except in pursuance of a specific appropriation, made by law; and no appropriation shall be made for a longer period than two years.

SEC. 23. The House of Representatives shall have the sole power of impeachment, but a majority of the members elected must concur therein. Impeachments shall be tried by the Senate; and the senators, when sitting for that purpose, shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the senators.

SEC. 24. The governor, judges, and all state officers may be impeached for any misdemeanor in office; but judgment shall not extend further than the removal from office, and disqualification to hold any office, under the authority of this state. The party impeached, whether convicted or not, shall be liable to indictment, trial and judgment, according to law.

SEC. 25. All regular sessions of the General Assembly shall commence on the first Monday of January biennially. The first session, under this Constitution,

shall commence on the first Monday of January, one thousand eight hundred and fifty-two.

SEC. 26. All laws of a general nature, shall have a uniform operation throughout the state; nor shall any act, except such as relates to public schools, be passed, to take effect upon the approval of any other authority than the General Assembly, except as otherwise provided in this Constitution.

SEC. 27. The election and appointment of all officers and the filling of all vacancies not otherwise provided for by this Constitution, or the Constitution of the United States, shall be made in such manner as may be directed by law; but no appointing power shall be exercised by the General Assembly, except as prescribed in this Constitution, and in the election of United States senators; and in these cases the vote shall be taken "*viva voce*."

SEC. 28. The General Assembly shall have no power to pass retroactive laws, or laws impairing the obligation of contracts; but may, by general laws, authorize courts to carry into effect, upon such terms as shall be just and equitable, the manifest intention of parties and officers by curing omissions, defects and errors in instruments and proceedings arising out of their want of conformity with the laws of this state.

SEC. 29. No extra compensation shall be made to any officer, public agent, or contractor after the service shall have been rendered or the contract entered into; nor shall any money be paid on any claim, the subject matter of which shall not have been provided for by pre-existing law, unless such compensation or claim be allowed by two-thirds of the members elected to each branch of the General Assembly.

SEC. 30. No new county shall contain less than four hundred square miles of territory, nor shall any county be reduced below that amount; and all laws creating new counties, changing county lines, or removing county seats, shall, before taking effect, be submitted to the electors of the several counties to be affected thereby, at the next general election after the passage thereof, and be adopted by a majority of all the electors voting at such election, in each of the said counties; but any county now or hereafter containing one hundred thousand inhabitants, may be divided whenever a majority of the voters residing in each of the proposed divisions shall approve of the law passed for that purpose.

SEC. 31. The members and officers of the General Assembly shall receive a fixed compensation, to be prescribed by law, and no other allowance or perquisites, either in the payment of postage or otherwise; and no change in their compensation shall take effect during their term of office.

SEC. 32. The General Assembly shall grant no divorce, nor exercise any judicial power not herein expressly conferred.

### ARTICLE III – EXECUTIVE

SECTION 1. The Executive Department shall consist of a governor, lieutenant-governor, secretary of state, auditor, treasurer, and an attorney-general, who shall be chosen by the electors of the state on the second Tuesday of October, and at the places of voting for members of the General Assembly.<sup>11</sup>

SEC. 2. The governor, lieutenant-governor, secretary of state, treasurer, and attorney-general, shall hold their

<sup>11</sup> Amended Oct. 13, 1885; *Laws of Ohio*, vol. lxxxii, 446. See page 254. – Ed.

offices for two years, and the auditor for four years. Their term of office shall commence on the second Monday of January next after their election, and continue until their successors are elected and qualified.

SEC. 3. The returns of every election for the officers named in the foregoing section shall be sealed up and transmitted to the seat of government, by the returning officers, directed to the president of the senate, who, during the first week of the session, shall open and publish them, and declare the result, in the presence of a majority of the members of each house of the General Assembly. The person having the highest number of votes shall be declared duly elected; but if any two or more shall be highest, and equal in votes for the same office, one of them shall be chosen by the joint vote of both houses.

SEC. 4. Should there be no session of the General Assembly in January next after an election for any of the officers aforesaid, the returns of such election shall be made to the secretary of state, and opened, and the result declared by the governor, in such manner as may be provided by law.

SEC. 5. The supreme executive power of this state shall be vested in the governor.

SEC. 6. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices, and shall see that the laws are faithfully executed.

SEC. 7. He shall communicate at every session, by message, to the General Assembly, the condition of the state, and recommend such measures as he shall deem expedient.

SEC. 8. He may, on extraordinary occasions, convene

the General Assembly by proclamation, and shall state to both houses, when assembled, the purpose for which they have been convened.

SEC. 9. In case of a disagreement between the two houses in respect to the time of adjournment, he shall have power to adjourn the General Assembly to such time as he may think proper, but not beyond the regular meetings thereof.

SEC. 10. He shall be commander-in-chief of the military and naval forces of the state, except when they shall be called into the service of the United States.

SEC. 11. He shall have power, after conviction, to grant reprieves, commutations, and pardons, for all crimes and offenses, except treason and cases of impeachment, upon such conditions as he may think proper; subject, however, to such regulations, as to the manner of applying pardons, as may be prescribed by law. Upon conviction for treason he may suspend the execution of the sentence, and report the case to the General Assembly, at its next meeting, when the General Assembly shall either pardon, commute the sentence, direct its execution, or grant a further reprieve. He shall communicate to the General Assembly, at every regular session, each case of reprieve, commutation, or pardon, granted, stating the name and crime of convict, the sentence, its date, and the date of the commutation, pardon, or reprieve, with his reasons therefor.

SEC. 12. There shall be a seal of the state, which shall be kept by the governor, and used by him officially; and shall be called "The Great Seal of the State of Ohio."

SEC. 13. All grants and commissions shall be issued in the name and by the authority of the state of Ohio; sealed with the great seal; signed by the governor, and countersigned by the secretary of state.

SEC. 14. No member of Congress, or other person holding office under the authority of this state, or of the United States, shall execute the office of governor, except as herein provided.

SEC. 15. In case of the death, impeachment, resignation, removal, or other disability of the governor, the powers and duties of the office, for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the lieutenant-governor.

SEC. 16. The lieutenant-governor shall be president of the senate, but shall vote only when the senate is equally divided; and in case of his absence or impeachment, or when he shall exercise the office of governor, the senate shall choose a president *pro tempore*.

SEC. 17. If the lieutenant-governor, while executing the office of governor, shall be impeached, displaced, resign or die, or otherwise become incapable of performing the duties of the office, the president of the senate shall act as governor until the vacancy is filled, or the disability removed; and if the president of the senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of governor, the same shall devolve upon the speaker of the house of representatives.

SEC. 18. Should the office of auditor, treasurer, secretary, or attorney-general, become vacant, for any of the causes specified in the fifteenth section of this article, the governor shall fill the vacancy until the disability is removed, or a successor elected and qualified. Every such vacancy shall be filled by election, at the first general election that occurs more than thirty days after it shall have happened; and the person chosen shall hold the office for the full term fixed in the second section of this article.

SEC. 19. The officers mentioned in this article shall, at stated times, receive for their services a compensation to be established by law, which shall neither be increased nor diminished during the period for which they shall have been elected.

SEC. 20. The officers of the executive department and of the public state institutions shall, at least five days preceding each regular session of the General Assembly, severally report to the governor, who shall transmit such reports, with his message, to the General Assembly.

#### ARTICLE IV – JUDICIAL

SECTION 1. The judicial power of the state shall be vested in a supreme court, in district courts, courts of common pleas, courts of probate, justices of the peace, and in such other courts inferior to the supreme court, in one or more counties, as the General Assembly may, from time to time, establish.<sup>12</sup>

SEC. 2. The supreme court shall consist of five judges, a majority of whom shall be necessary to form a quorum, or pronounce a decision. It shall have original jurisdiction in quo warranto, mandamus, habeas corpus, and procedendo, and such appellate jurisdiction as may be provided by law. It shall hold at least one term, in each year, at the seat of government or elsewhere, as may be provided by law. The judges of the supreme court shall be elected by the electors of the state at large.<sup>13</sup>

SEC. 3. The state shall be divided into nine common pleas districts, of which the county of Hamilton shall constitute one, of compact territory, and bounded by county lines, and each of said districts, consisting of

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<sup>12</sup> Amended Oct. 9, 1883; *Laws of Ohio*, vol. lxxx, 382. See page 251. — Ed.

<sup>13</sup> — *Ibid.* — Ed.

three or more counties, shall be subdivided into three parts of compact territory bounded by county lines, and as nearly equal in population as practicable; in each of which, one judge of the court of common pleas for said district, and residing therein, shall be elected by the electors of said subdivision. Courts of common pleas shall be held by one or more of these judges, in every county in the district, as often as may be provided by law; and more than one court, or sitting thereof, may be held at the same time in each district.

SEC. 4. The jurisdiction of the courts of common pleas, and of the judges thereof, shall be fixed by law.

SEC. 5. The district courts shall be composed of the judges of the court of common pleas of the respective districts, and one of the judges of supreme court, any three of whom shall be quorum, and shall be held in each county therein, at least once in each year; but if it shall be found inexpedient to hold such court annually in each county of any district, the General Assembly may, for such district, provide that said court shall hold at least three annual sessions therein, in not less than three places; provided that the General Assembly may, by law, authorize the judges of each district to fix the times of holding the courts therein.<sup>14</sup>

SEC. 6. The district court shall have like original jurisdiction with the supreme court, and such appellate jurisdiction as may be provided by law.<sup>15</sup>

SEC. 7. There shall be established in each county a probate court, which shall be a court of record, open at all times, and holden by one judge, elected by the voters

<sup>14</sup> Repealed Oct. 9, 1883; *Laws of Ohio*, vol. lxxx, p. 382. See page 253.—ED.

<sup>15</sup> Repealed Oct. 9, 1883, and in its place is put provision concerning circuit courts as provided by an amendment adopted the same date; *Laws of Ohio*, vol. lxxx, 382. See page 252.—ED.

of the county, who shall hold his office for the term of three years, and shall receive such compensation, payable out of the county treasury, or by fees, or both, as shall be provided by law.

SEC. 8. The probate court shall have jurisdiction in probate and testamentary matters, the appointment of administrators, and guardians, the settlement of accounts of executors, administrators and guardians, and such jurisdiction in habeas corpus, the issuing of marriage licenses, and for the sale of land by executors, administrators, and guardians, and such other jurisdiction in any county or counties as may be provided by law.

SEC. 9. A competent number of justices of the peace shall be elected, by the electors, in each township in the several counties. Their term of office shall be three years, and their powers and duties shall be regulated by law.

SEC. 10. All judges, other than those provided for in this Constitution, shall be elected by the electors of the judicial district for which they may be created, but not for a longer term of office than five years.

SEC. 11. The judges of the supreme court shall, immediately after the first election under this Constitution, be classified by lot; so that one shall hold for the term of one year, one for two years, one for three years, one for four years, and one for five years; and at all subsequent elections the term of each of said judges shall be for five years.<sup>16</sup>

SEC. 12. The judges of the courts of common pleas shall, while in office, reside in the district for which they are elected; and their term of office shall be for five years.

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<sup>16</sup> Repealed Oct. 9, 1883; *Ohio Laws*, vol. lxxx, 382. See page 253.—Ed.

SEC. 13. In case the office of any judge shall become vacant before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the governor, until a successor is elected and qualified; and such successor shall be elected for the unexpired term, at the first annual election that occurs more than thirty days after the vacancy shall have happened.

SEC. 14. The judges of the supreme court, and of the court of common pleas, shall, at stated times, receive for their services such compensation as may be provided by law, which shall not be diminished, or increased, during their term of office; but they shall receive no fees or perquisites, nor hold any office of profit or trust under the authority of this state, or the United States. All votes for either of them, for any elective office, except a judicial office, under the authority of this state, given by the General Assembly, or the people shall be void.

SEC. 15. The General Assembly may increase, or diminish, the number of the judges of the supreme court, the number of the districts of the common pleas, the number of judges in any district, change the districts, or the subdivisions thereof, or establish other courts, whenever two-thirds of the members elected to each house shall concur therein, but no such change, addition or diminution, shall vacate the office of any judge.

SEC. 16. There shall be elected in each county, by the electors thereof, one clerk of the court of common pleas, who shall hold his office for the term of three years, and until his successor shall be elected and qualified. He shall, by virtue of his office, be clerk of all other courts of record held therein; but, the General Assembly may provide, by law, for the election of a

clerk, with a like term of office, for each or any other of the courts of record, and may authorize the judge of the probate court to perform the duties of clerk for his court, under such regulations as may be directed by law. Clerks of courts shall be removable for such cause and in such manner as shall be prescribed by law.

SEC. 17. Judges may be removed from office, by concurrent resolutions of both houses of the General Assembly, if two-thirds of the members elected to each house concur therein; but no such removal shall be made, except on complaint, the substance of which shall be entered on the journal, nor, until the party charged shall have had notice thereof, and an opportunity to be heard.

SEC. 18. The several judges of the supreme court, of the common pleas, and of such other courts as may be created, shall, respectively, have and exercise such power and jurisdiction, at chambers, or otherwise, as may be directed by law.

SEC. 19. The General Assembly may establish courts of conciliation, and prescribe their powers and duties; but such courts shall not render final judgment in any case, except upon submission, by the parties, of the matter in dispute, and their agreement to abide by such judgment.

SEC. 20. The style of all process shall be "The State of Ohio;" all prosecutions shall be carried on in the name, and by the authority, of the State of Ohio; and all indictments shall conclude, "against the peace and dignity of the State of Ohio."<sup>17</sup>

<sup>17</sup> At this place there is added by an amendment adopted October 12, 1875 [*Laws of Ohio*, vol. lxxii, 269], a section there called "Sec. 22." See page 238.—ED.

**ARTICLE V – ELECTIVE FRANCHISE**

**SECTION 1.** Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the state one year next preceding the election, and of the county, township, or ward, in which he resides, such time as may be provided by law, shall have the qualifications of an elector, and be entitled to vote at all elections.

**SEC. 2.** All elections shall be by ballot.

**SEC. 3.** Electors during their attendance at elections, and in going to, and returning therefrom, shall be privileged from arrest, in all cases, except treason, felony and breach of the peace.

**SEC. 4.** The General Assembly shall have power to exclude from the privilege of voting, or of being eligible to office, any person convicted of bribery, perjury, or other infamous crime.

**SEC. 5.** No person in the military, naval, or marine service of the United States shall, by being stationed in any garrison, or military, or naval station, within the state, be considered a resident of this state.

**SEC. 6.** No idiot or insane person shall be entitled to the privileges of an elector.

**ARTICLE VI – EDUCATION**

**SECTION 1.** The principal of all funds arising from the sale or other disposition of lands or other property granted or entrusted to this state for educational or religious purposes, shall forever be preserved inviolate and undiminished; and the income arising therefrom shall be faithfully applied to the specific objects of the original grants or appropriations.

**SEC. 2.** The General Assembly shall make such pro-

visions, by taxation or otherwise, as, with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the state, but no religious or other sect or sects shall ever have any exclusive right to, or control of, any part of the school funds of this state.

#### ARTICLE VII – PUBLIC INSTITUTIONS

SECTION 1. Institutions for the benefit of the insane, blind and deaf and dumb, shall always be fostered and supported by the state; and be subject to such regulations as may be prescribed by the General Assembly.

SEC. 2. The directors of the penitentiary shall be appointed or elected in such manner as the General Assembly may direct; and the trustees of the benevolent and other state institutions now elected by the General Assembly, and of such other state institutions as may be hereafter created, shall be appointed by the governor, by and with the advice and consent of the senate; and upon all nominations made by the governor, the question shall be taken by yeas and nays, and entered upon the journals of the senate.

SEC. 3. The governor shall have power to fill all vacancies that may occur in the offices of aforesaid, until the next session of the General Assembly, and until a successor to his appointee shall be confirmed and qualified.

#### ARTICLE VIII – PUBLIC DEBT AND PUBLIC WORKS

SECTION 1. The state may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct or contingent, whether contracted by virtue of one or more acts of the General Assembly,

or at different periods of time, shall never exceed seven hundred and fifty thousand dollars; and the money arising from the creation of such debts shall be applied to the purpose for which it was obtained, or to repay the debts so contracted, and to no other purpose whatever.

SEC. 2. In addition to the above limited power, the state may contract debts to repel invasion, suppress insurrection, defend the state in war, or to redeem the present outstanding indebtedness of the state; but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever; and all debts incurred to redeem the present outstanding indebtedness of the state, shall be so contracted as to be payable by the sinking fund, hereinafter provided for, as the same shall accumulate.

SEC. 3. Except the debts above specified in sections one and two of this article, no debt whatever shall hereafter be created by or on behalf of the state.

SEC. 4. The credit of the state shall not, in any manner be given or loaned to, or in aid of any individual, association, or corporation whatever; nor shall the state ever hereafter become a joint owner or stockholder in any company or association in this state, or elsewhere formed, for any purpose whatever.

SEC. 5. The state shall never assume the debts of any county, city, town or township, or of any corporation whatever, unless such debt shall have been created to repel invasion, suppress insurrection, or defend the state in war.

SEC. 6. The General Assembly shall never authorize any county, city, town, or township, by vote of its citizens or otherwise, to become a stockholder in any joint

stock company, corporation, or association whatever; or to raise money for, or loan its credit to, or in aid of, any such company, corporation or association.

SEC. 7. The faith of the state being pledged for the payment of its public debt, in order to provide therefor there shall be created a sinking fund, which shall be sufficient to pay the accruing interest on such debt, and annually, to reduce the principal thereof, by a sum not less than one hundred thousand dollars, increased yearly, and each and every year, by compounding at the rate of six per cent. per annum. The said sinking fund shall consist of the net annual income of the public works and stocks owned by the state, or any other funds or resources that are, or may be, provided by law, and of such further sums, to be raised by taxation, as may be required for the purposes aforesaid.

SEC. 8. The auditor of state, secretary of state, and attorney-general, are hereby created a board of commissioners, to be styled, "The Commissioners of the Sinking Fund."

SEC. 9. The commissioners of the sinking fund shall immediately preceding each regular session of the General Assembly, make an estimate of the probable amount of the fund, provided for in the seventh section of this article, from all sources except from taxation, and report the same, together with all their proceedings relative to said fund and the public debt, to the governor, who shall transmit the same with his regular message to the General Assembly; and the General Assembly shall make all necessary provision for raising and disbursing said sinking fund, in pursuance of the provisions of this article.

SEC. 10. It shall be the duty of the said commissioners

faithfully to apply said fund, together with all moneys that may be, by the General Assembly, appropriated to that object, to the payment of the interest, as it becomes due, and the redemption of the principal of the public debt of the state, excepting only the school and trust funds held by the state.

SEC. 11. The said commissioners shall, semi-annually, make a full and detailed report of their proceedings to the governor, who shall immediately cause the same to be published, and shall also communicate the same to the General Assembly forthwith, it if be in session, and if not, then at its first session after such report shall be made.

SEC. 12. So long as this state shall have public works which require superintendence, there shall be a board of public works, to consist of three members, who shall be elected by the people at the first general election after the adoption of this Constitution, one for the term of one year, one for the term of two years, and one for the term of three years; and one member of said board shall be elected annually thereafter, who shall hold his office for three years.

SEC. 13. The powers and duties of said board of public works, and its several members, and their compensation, shall be such as are now, or may be, prescribed by law.

#### ARTICLE IX – MILITIA

SECTION 1. All white male citizens, residents of this state, being eighteen years of age, and under the age of forty-five years, shall be enrolled in the militia, and perform military duty, in such manner, not incompatible with the Constitution and laws of the United States, as may be prescribed by law.

SEC. 2. Majors-general, brigadiers-general, colonels, lieutenant-colonels, majors, captains, and subalterns, shall be elected by the persons subject to military duty, in their respective districts.

SEC. 3. The governor shall appoint the adjutant-general, quartermaster-general, and such other staff officers as may be provided for by law. Majors-general, brigadiers-general, colonels, or commandants of regiments, battalions, or squadrons, shall, severally, appoint their staff, and captains shall appoint their non-commissioned officers and musicians.

SEC. 4. The governor shall commission all officers of the line and staff, ranking as such; and shall have power to call forth the militia, to execute the laws of the state, to suppress insurrection, and repel invasion.

SEC. 5. The General Assembly shall provide, by law, for the protection and safe keeping of the public arms.

#### ARTICLE X – COUNTY AND TOWNSHIP ORGANIZATIONS

SECTION 1. The General Assembly shall provide, by law, for the election of such county and township officers as may be necessary.

SEC. 2. County officers shall be elected on the second Tuesday of October, until otherwise directed by law, by the qualified electors of each county, in such manner, and for such term, not exceeding three years, as may be provided by law.<sup>18</sup>

SEC. 3. No person shall be eligible to the office of sheriff, or county treasurer, for more than four years, in any period of six years.

SEC. 4. Township officers shall be elected on the first

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<sup>18</sup> Amended Oct. 13, 1885; *Laws of Ohio*, vol. lxxii, 446. See page 255. — ED.

Monday of April annually, by the qualified voters of their respective townships, and shall hold their offices for one year from the Monday next succeeding their election, and until their successors are qualified.<sup>19</sup>

SEC. 5. No money shall be drawn from any county or township treasury, except by authority of law.

SEC. 6. Justices of the peace, and county and township officers, may be removed in such manner, and for such cause, as shall be prescribed by law.

SEC. 7. The commissioners of counties, the trustees of townships, and similar boards, shall have such power of local taxation for police purposes, as may be prescribed by law.

#### ARTICLE XI – APPORTIONMENT

SECTION 1. The apportionment of this state for members of the General Assembly shall be made every ten years, after the year one thousand eight hundred and fifty-one, in the following manner: The whole population of the state, as ascertained by the federal census, or in such other mode as the General Assembly may direct, shall be divided by the number "one hundred," and the quotient shall be the ratio of representation in the house of representatives, for the ten years next succeeding such apportionment.

SEC. 2. Every county having a population equal to one-half of said ratio, shall be entitled to one representative; every county, containing said ratio, and three-fourths over, shall be entitled to two representatives; every county containing three times said ratio, shall be entitled to three representatives, and so on, requiring

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<sup>19</sup> Amended Oct. 13, 1885; *Laws of Ohio*, vol. lxxii, 449. See page 256. — Ed.

after the first two, an entire ratio for each additional representative.<sup>20</sup>

SEC. 3. When any county shall have a fraction above the ratio, so large, that being multiplied by five, the result will be equal to one or more ratios, additional representatives shall be apportioned for such ratios, among the several sessions of the decennial period, in the following manner: If there be only one ratio, a representative shall be allotted to the fifth session of the decennial period; if there are two ratios, a representative shall be allotted to the fourth and third sessions, respectively; if three, to the third, second and first sessions, respectively; if four, to the fourth, third, second, and first sessions, respectively.

SEC. 4. Any county forming with another county, or counties, a representative district, during one decennial period, if it have acquired sufficient population at the next decennial period, shall be entitled to a separate representation, if there shall be left, in the district from which it shall have been separated, a population sufficient for a representative; but no such change shall be made except at the regular decennial period for the apportionment of representatives.

SEC. 5. If, in fixing any subsequent ratio, a county, previously entitled to a separate representation, shall have less than the number required by the new ratio for a representative, such county shall be attached to the county adjoining it, having the least number of inhabitants; and the representation of the district, so formed, shall be determined as herein provided.

SEC. 6. The ratio for a senator shall, forever, here-

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<sup>20</sup> Amended, Nov. 3, 1903. *Laws of Ohio*, vol. xcv, 967. See page 279.—Ed.

after, be ascertained, by dividing the whole population of the state by the number thirty-five.

SEC. 7. The state is hereby divided into thirty-three senatorial districts, as follows: The county of Hamilton shall constitute the first senatorial district; the counties of Butler and Warren, the second; Montgomery and Preble, the third; Clermont and Brown, the fourth; Greene, Clinton and Fayette, the fifth; Ross and Highland, the sixth; Adams, Pike, Scioto and Jackson, the seventh; Lawrence, Gallia, Meigs and Vinton, the eighth; Athens, Hocking and Fairfield, the ninth; Franklin and Pickaway, the tenth; Clark, Champaign and Madison, the eleventh; Miami, Darke and Shelby, the twelfth; Logan, Union, Marion and Hardin, the thirteenth; Washington and Morgan, the fourteenth; Muskingum and Perry, the fifteenth; Delaware and Licking, the sixteenth; Knox and Morrow, the seventeenth; Coshocton and Tuscarawas, the eighteenth; Guernsey and Monroe, the nineteenth; Belmont and Harrison, the twentieth; Carroll and Stark, the twenty-first; Jefferson and Columbiana, the twenty-second; Trumbull and Mahoning, the twenty-third; Ashtabula, Lake and Geauga, the twenty-fourth; Cuyahoga, the twenty-fifth; Portage and Summit, the twenty-sixth; Medina and Lorain, the twenty-seventh; Wayne and Holmes, the twenty-eighth; Ashland and Richland, the twenty-ninth; Huron, Erie, Sandusky and Ottawa, the thirtieth; Seneca, Crawford and Wyandot, the thirty-first; Mercer, Auglaize, Allen, Van Wert, Paulding, Defiance and Williams, the thirty-second; and Hancock, Wood, Lucas, Fulton, Henry and Putnam, the thirty-third. For the first decennial period, after the adoption

of this Constitution, each of said districts shall be entitled to one senator, except the first district, which shall be entitled to three senators.

SEC. 8. The same rule shall be applied in apportioning the fractions of senatorial districts, and in annexing districts, which may hereafter have less than three-fourths of a senatorial ratio, as are applied to representative districts.

SEC. 9. Any county forming part of a senatorial district, having acquired a population equal to a full senatorial ratio, shall be made a separate senatorial district at any regular decennial apportionment, if a full senatorial ratio shall be left in the district from which it shall be taken.

SEC. 10. For the first ten years after the year one thousand eight hundred and fifty-one, the apportionment of representatives shall be as provided in the schedule, and no change shall ever be made in the principles of representation as herein established, or in the senatorial districts, except as above provided. All territory belonging to a county at the time of any apportionment shall, as to the right of representation and suffrage, remain an integral part thereof during the decennial period.

SEC. 11. The governor, auditor and secretary of state, or any two of them, shall, at least six months prior to the October election, in the year one thousand eight hundred and sixty-one, and at each decennial period thereafter, ascertain and determine the ratio of representation, according to the decennial census, the number of representatives and senators each county or district shall be entitled to elect, and for what years, within the next ensuing ten years, and the governor shall cause the same

to be published in such manner as shall be directed by law.

#### JUDICIAL APPORTIONMENT

SEC. 12. For judicial purposes, the state shall be apportioned as follows:

The county of Hamilton shall constitute the first district, which shall not be subdivided; and the judges therein may hold separate courts or separate sittings of the same court at the same time.

The counties of Butler, Preble and Darke shall constitute the first subdivision; Montgomery, Miami and Champaign the second; and Warren, Clinton, Greene and Clark, the third subdivision of the second district; and, together, shall form such district.

The counties of Shelby, Auglaize, Allen, Hardin, Logan, Union and Marion, shall constitute the first subdivision; Mercer, Van Wert, Putnam, Paupling, Defiance, Williams, Henry and Fulton the second; and Wood, Seneca, Hancock, Wyandot and Crawford, the third subdivision of the third district; and, together, shall form such district.

The counties of Lucas, Ottawa, Sandusky, Erie and Huron shall constitute the first subdivision; Lorain, Medina and Summit, the second; and the county of Cuyahoga the third subdivision of the fourth district; and, together, shall form such district.

The counties of Clermont, Brown and Adams shall constitute the first subdivision; Highland, Ross and Fayette, the second; and Pickaway, Franklin and Madison, the third subdivision of the fifth district; and, together, shall form such district.

The counties of Licking, Knox and Delaware, shall constitute the first subdivision; Morrow, Richland and

Ashland, the second; and Wayne, Holmes and Coshocton, the third subdivision of the sixth district; and, together, shall form such district.

The counties of Fairfield, Perry and Hocking, shall constitute the first subdivision; Jackson, Vinton, Pike, Scioto and Lawrence, the second; and Gallia, Meigs, Athens and Washington, the third subdivision of the seventh district; and, together, shall form such district.

The counties of Muskingum and Morgan shall constitute the first subdivision; Guernsey, Belmont and Monroe, the second; and Jefferson, Harrison and Tuscarawas, the third subdivision of the eighth district; and, together, shall form such district.

The counties of Stark, Carroll and Columbiana shall constitute the first subdivision; Trumbull, Portage and Mahoning, the second; and Geauga, Lake and Ashtabula, the third subdivision of the ninth district; and, together, shall form such district.

SEC. 13. The General Assembly shall attach any new counties that may hereafter be erected to such districts or subdivisions thereof as shall be most convenient.

#### ARTICLE XII – FINANCE AND TAXATION

SECTION 1. The levying of taxes by the poll is grievous and oppressive; therefore, the General Assembly shall never levy a poll tax for county or state purposes.

SEC. 2. Laws shall be passed taxing by a uniform rule all moneys, credits, investments in bonds, stock, joint stock companies, or otherwise; and also all real and personal property according to its true value in money; but burying grounds, public school houses, houses used exclusively for public worship, institutions of purely public charity, public property used exclusively for any

public purpose, and personal property to an amount not exceeding in value two hundred dollars, for each individual may, by general laws, be exempted from taxation; but all such laws shall be subject to alteration or repeal; and the value of all property so exempted shall, from time to time, be ascertained and published, as may be directed by law.\*

SEC. 3. The General Assembly shall provide by law for taxing the notes and bills discounted or purchased, moneys loaned, and all other property, effects or dues, of every description, without deduction, of all banks, now existing, or hereafter created, and of all bankers, so that all property employed in banking shall always bear a burden of taxation equal to that imposed on the property of individuals.

SEC. 4. The General Assembly shall provide for raising revenue sufficient to defray the expenses of the state for each year, and also a sufficient sum to pay the interest on the state debt.

SEC. 5. No tax shall be levied except in pursuance of law; and every law imposing a tax shall state distinctly the object of the same, to which only it shall be applied.

SEC. 6. The state shall never contract any debt for purposes of internal improvement.

#### ARTICLE XIII – CORPORATIONS

SECTION 1. The General Assembly shall pass no special act conferring corporate powers.

SEC. 2. Corporations may be formed under general laws; but all such laws may, from time to time, be altered or repealed.

\* Amended, Nov. 17, 1905; in effect, Jan. 1, 1906. *Laws of Ohio*, vol. xcvi, 652. See page 286. — Ed.

SEC. 3. Dues from corporations shall be secured, by such individual liability of the stockholders, and other means, as may be prescribed by law; but in all cases each stockholder shall be liable, over and above the stock by him or her owned, and any amount unpaid thereon, to a further sum at least equal in amount to such stock.\*

SEC. 4. The property of corporations now existing or hereafter created, shall forever be subject to taxation, the same as property of individuals.

SEC. 5. No right of way shall be appropriated to the use of any corporation until full compensation therefor be first made in money, or first secured by a deposit of money to the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury of twelve men, in a court of record, as shall be prescribed by law.

SEC. 6. The General Assembly shall provide for the organization of cities and incorporated villages, by general laws, and restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such power.

SEC. 7. No act of the General Assembly, authorizing associations with banking powers, shall take effect until it shall be submitted to the people, at the general election next succeeding the passage thereof, and be approved by a majority of all the electors voting at such election.

#### ARTICLE XIV – JURISPRUDENCE

SECTION 1. The General Assembly, at its first session after the adoption of this Constitution, shall provide

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\* Amended Nov. 3, 1903. *Laws of Ohio*, vol. xciv, 961. See page 280. – ED.

for the appointment of three commissioners, and prescribe their tenure of office, compensation, and the mode of filling vacancies in said commission.

SEC. 2. The said commissioners shall revise, reform, simplify, and abridge the practice, pleadings, forms, and proceedings of the courts of record of this state; and, as far as practicable and expedient, shall provide for the abolition of the distinct forms of action at law in use, and for the administration of justice by a uniform mode of proceeding without reference to any distinction between law and equity.

SEC. 3. The proceedings of the commissioners shall, from time to time, be reported to the General Assembly, and be subject to the action of that body.

#### ARTICLE XV – MISCELLANEOUS

SECTION 1. Columbus shall be the seat of government until otherwise directed by law.

SEC. 2. The printing of the laws, journals, bills, legislative documents, and papers for each branch of the General Assembly, with the printing required for the executive and other departments of state, shall be let, on contract to the lowest responsible bidder, by such executive officers, and in such manner, as shall be prescribed by law.

SEC. 3. An accurate and detailed statement of the receipts and expenditures of the public money, the several amounts paid, to whom, and on what account, shall, from time to time, be published, as shall be prescribed by law.

SEC. 4. No person shall be elected or appointed to any office in this state unless he possesses the qualification of an elector.

SEC. 5. No person who shall hereafter fight a duel, assist in the same as second, or send, accept, or knowingly carry a challenge therefor, shall hold any office in this state.

SEC. 6. Lotteries, and the sale of lottery tickets, for any purpose whatever, shall forever be prohibited in this state.

SEC. 7. Every person chosen or appointed to any office under this state, before entering upon the discharge of its duties, shall take an oath or affirmation to support the Constitution of the United States, and of this state, and also an oath of office.

SEC. 8. There may be established, in the secretary of state's office, a bureau of statistics, under such regulations as may be prescribed by law.

SEC. 9. No license to traffic in intoxicating liquors shall hereafter be granted in this state; but the General Assembly may, by law, provide against evils resulting therefrom.

#### ARTICLE XVI – AMENDMENTS

SECTION 1. Either branch of the General Assembly may propose amendments to this Constitution; and, if the same shall be agreed to by three-fifths of the members elected to each house, such proposed amendments shall be entered on the journals, with the yeas and nays, and shall be published in at least one newspaper in each county of the state, where a newspaper is published, for six months preceding the next election for senators and representatives, at which time the same shall be submitted to the electors for their approval or rejection; and if a majority of the electors voting at such election shall adopt such amendments, the same shall become a

part of the Constitution. When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately.

SEC. 2. Whenever two-thirds of the members elected to each branch of the General Assembly shall think it necessary to call a convention to revise, amend, or change this Constitution, they shall recommend to the electors to vote, at the next election for members to the General Assembly for or against a convention; and if a majority of all the electors voting at said election, shall have voted for a convention, the General Assembly shall, at their next session, provide, by law, for calling the same. The convention shall consist of as many members as the House of Representatives, who shall be chosen in the same manner, and shall meet within three months after their election, for the purpose aforesaid.

SEC. 3. At the general election to be held in the year one thousand eight hundred and seventy-one, and in each twentieth year thereafter, the question: "Shall there be a convention to revise, alter, or amend the Constitution," shall be submitted to the electors of the state; and in case a majority of all the electors voting at such election shall decide in favor of a convention, the General Assembly at its next session shall provide, by law, for the election of delegates, and the assembling of such convention, as is provided in the preceding section; but no amendment of this Constitution, agreed upon by any convention assembled in pursuance of this article, shall take effect until the same shall have been submitted to the electors of the state, and adopted by a majority of those voting thereon.

### SCHEDULE

SECTION 1. All laws of this state, in force on the first day of September, one thousand eight hundred and fifty-one, not inconsistent with this Constitution, shall continue in force until amended or repealed.

SEC. 2. The first election for members of the General Assembly, under this Constitution, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-one.

SEC. 3. The first election for governor, lieutenant-governor, auditor, treasurer, and secretary of state, and attorney-general, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-one. The persons holding said offices on the first day of September, one thousand eight hundred and fifty-one, shall continue therein until the second Monday of January, one thousand eight hundred and fifty-two.

SEC. 4. The first election for judges of the supreme court, courts of common pleas, and probate courts, and clerks of the courts of common pleas, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-one, and the official term of said judges and clerks, so elected, shall commence on the second Monday of February, one thousand eight hundred and fifty-two. Judges and clerks of the courts of common pleas and supreme court, in office on the first day of September, one thousand eight hundred and fifty-one, shall continue in office with their present powers and duties, until the second Monday of February, one thousand eight hundred and fifty-two. No suit or proceeding pending in any of the courts of this state, shall be affected by the adoption of this Constitution.

SEC. 5. The register and receiver of the land office, directors of the penitentiary, directors of the benevolent institutions of the state, the state librarian, and all other officers, not otherwise provided for in this Constitution, in office on the first day of September, one thousand eight hundred and fifty-one, shall continue in office until their terms expire, respectively, unless the General Assembly shall otherwise provide.

SEC. 6. The superior and commercial courts of Cincinnati, and the superior court of Cleveland, shall remain, until otherwise provided by law, with their present powers and jurisdiction; and the judges and clerks of said courts, in office on the first day of September, one thousand eight hundred and fifty-one, shall continue in office, until the expiration of their terms of office respectively, or, until otherwise provided by law; but neither of said courts shall continue after the second Monday of February, one thousand eight hundred and fifty-three; and no suits shall be commenced in said two first mentioned courts, after the second Monday in February, one thousand eight hundred and fifty-two; nor in said mentioned courts after the second Monday in August, one thousand eight hundred and fifty-two; and all business in either of said courts, not disposed of within the time limited for their continuance as aforesaid, shall be transferred to the court of common pleas.

SEC. 7. All county and township officers and justices of the peace, in office on the first day of September, one thousand eight hundred and fifty-one, shall continue in office until their terms expire, respectively.

SEC. 8. Vacancies in office, occurring after the first day of September, one thousand eight hundred and

fifty-one, shall be filled, as is now prescribed by law, and until officers are elected or appointed, and qualified under this Constitution.

SEC. 9. This Constitution shall take effect on the first day of September, one thousand eight hundred and fifty-one.

SEC. 10. All officers shall continue in office, until their successors shall be chosen and qualified.

SEC. 11. Suits pending in the supreme court in bank, shall be transferred to the supreme court provided for in this Constitution, and be proceeded in according to law.

SEC. 12. The district courts shall, in their respective counties, be the successors of the present supreme court; and all suits, prosecutions, judgments, records and proceedings, pending and remaining in said supreme court, in the several counties of any district, shall be transferred to the respective district courts of such counties, and be proceeded in as though no change had been made in said supreme court.

SEC. 13. The said courts of common pleas shall be the successors of the present courts of common pleas in the several counties, except as to probate jurisdiction; and all suits, prosecutions, proceedings, records and judgments, pending or being in said last mentioned courts, except as aforesaid, shall be transferred to the courts of common pleas created by this Constitution, and proceeded in as though the same had been therein instituted.

SEC. 14. The probate courts provided for in this Constitution, as to all matters within the jurisdiction conferred upon said courts, shall be the successors, in the several counties, of the present courts of common pleas;

and the records, files and papers, business and proceedings, appertaining to said jurisdiction, shall be transferred to said courts of probate, and be there proceeded in according to law.

SEC. 15. Until otherwise provided by law, elections for judges and clerks shall be held, and the poll-books returned, as is provided for governor, and the abstract therefrom, certified to the secretary of state, shall be by him opened in the presence of the governor, who shall declare the result, and issue commissions to the persons elected.

SEC. 16. Where two or more counties are joined in a senatorial, representative or judicial district, the returns of elections shall be sent to the county having the largest population.

SEC. 17. The foregoing Constitution shall be submitted to the electors of the state, at an election to be held on the third Tuesday of June, one thousand eight hundred and fifty-one, in the several election districts of this state. The ballots at such election shall be written or printed as follows: Those in favor of the Constitution, "New Constitution, Yes;" those against the Constitution, "New Constitution, No." The polls at said election shall be opened between the hours of eight and ten o'clock a.m., and closed at six o'clock p.m., and the said election shall be conducted, and the returns thereof made and certified to the secretary of state, as provided by law for annual elections of state and county officers. Within twenty days after such election the secretary of state shall open the returns thereof in the presence of the governor and, if it shall appear that a majority of all the votes cast at such election are in favor of the Constitution, the governor shall issue his proclamation, stating

that fact, and said Constitution shall be the Constitution of the state of Ohio, and not otherwise.

SEC. 18. At the time when the votes of the electors shall be taken for the adoption or rejection of this Constitution, the additional section, in the words following, to-wit: "No license to traffic in intoxicating liquors shall hereafter be granted in this state; but the General Assembly may, by law, provide against evils resulting therefrom," shall be separately submitted to the electors for adoption or rejection, in form following, to-wit: A separate ballot may be given by every elector and deposited in a separate box. Upon the ballots given for said separate amendment shall be written or printed, or partly written and partly printed, the words: "License to sell intoxicating liquors, Yes;" and upon the ballots given against said amendment, in like manner, the words: "License to sell intoxicating liquors, No." If, at the said election, a majority of all the votes given for and against said amendment shall contain the words: "License to sell intoxicating liquors, No," then the said amendment shall be a separate section of article fifteen of the Constitution.

SEC. 19. The apportionment for the house of representatives during the first decennial period under this Constitution, shall be as follows:

The counties of Adams, Allen, Athens, Auglaize, Carroll, Champaign, Clark, Clinton, Crawford, Darke, Delaware, Erie, Fayette, Gallia, Geauga, Greene, Hancock, Harrison, Hocking, Holmes, Lake, Lawrence, Logan, Madison, Marion, Meigs, Morrow, Perry, Pickaway, Pike, Preble, Sandusky, Scioto, Shelby and Union, shall, severally, be entitled to one representative, in each session of the decennial period.

The counties of Franklin, Licking, Montgomery and Stark shall each be entitled to two representatives in each session of the decennial period.

The counties of Ashland, Coshocton, Highland, Huron, Lorain, Mahoning, Medina, Miami, Portage, Seneca, Summit and Warren, shall, severally, be entitled to one representative in each session, and one additional representative in the fifth session of the decennial period.

The counties of Ashtabula, Brown, Butler, Clermont, Fairfield, Guernsey, Jefferson, Knox, Monroe, Morgan, Richland, Trumbull, Tuscarawas and Washington shall, severally, be entitled to one representative in each session and two additional representatives, one in the third and one in the fourth session of the decennial period.

The counties of Belmont, Columbiana, Ross and Wayne shall, severally, be entitled to one representative in each session, and three additional representatives, one in the first, one in the second, and one in the third session of the decennial period.

The county of Muskingum shall be entitled to two representatives in each session, and one additional representative in the fifth session of the decennial period.

The county of Cuyahoga shall be entitled to two representatives in each session, and two additional representatives, one in the third, and one in the fourth session of the decennial period.

The county of Hamilton shall be entitled to seven representatives in each session, and four additional representatives, one in the first, one in the second, one in the third, and one in the fourth session of the decennial period.

The following counties, until they shall have acquired a sufficient population to entitle them to elect separately, under the fourth section of the eleventh article, shall form districts in manner following, to-wit: The counties of Jackson and Vinton, one district; the counties of Lucas and Fulton, one district; the counties of Wyandot and Hardin, one district; the counties of Mercer and Van Wert, one district; the counties of Paulding, Defiance and Williams, one district; the counties of Putnam and Henry, one district; and the counties of Wood and Ottawa, one district; each of which districts shall be entitled to one representative in every session of the decennial period.

DONE in convention, at Cincinnati, the tenth day of March, in the year of our Lord, one thousand eight hundred and fifty-one, and of the independence of the United States the seventy-fifth.

WILLIAM MEDILL, *President.*

Attest: WM. H. GILL, *Secretary.*

Done in Convention, at Cincinnati, the tenth day of March, in  
the year of our Lord, one thousand eight hundred and fifty one, and of the inde-  
pendence of the United States, the seventy fifth.

Attest John H. Gull.

Secretary.

W. Williams Medill  
President

President

FACSIMILE OF SIGNATURES TO THE SECOND CONSTITUTION OF OHIO, 1851.

The original is preserved in the office of the secretary of state, Columbus, Ohio.



## PROPOSED AMENDMENT FOR ANNUAL SESSIONS OF THE GENERAL ASSEMBLY, 1857

Proposed by joint resolution of the General Assembly, April 3, 1857. Submitted to the electors, October 13, 1857.

Total vote cast . . . . .	332,126
For amendment . . . . .	151,202
Against amendment . . . . .	31,890

Not adopted.

**RESOLVED**<sup>21</sup> by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring therein, that it be and hereby is proposed to the electors of this state to vote on the second Tuesday of October next upon the approval or rejection of the following amendment as a substitute for the twenty-fifth section of the second article of this Constitution, and for the second section of the same article, and for the third section of the eleventh article:

“All regular sessions of the general assembly shall commence on the first Monday of January annually. Senators shall be elected biennially and representatives annually by the electors of their respective counties or districts, on the second Tuesday of October. Their term of office shall commence on the first day of January next after their election and that of senators shall continue two years, and that of representatives one year. The senators elected in October next shall hold their

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<sup>21</sup> This resolution is not included in the volume of the *Laws of Ohio* for the year 1857; it is found in the files of the office of the secretary of state. — ED.

offices for two years, and the representatives elected at the same time shall hold their offices for one year. Provided that seventeen of the senators elected on the second Tuesday of October, 1857, to be ascertained by lot, as the President of the Senate may direct, shall hold their offices for one year, and their successors shall be elected on the second Tuesday of October, one thousand eight hundred and fifty-eight and biennially thereafter. When any county shall have a fraction above the ratio for representatives so large that being multiplied by ten the result shall be equal to one or more ratios, additional representatives shall be apportioned for such ratios among the several sessions of the decennial period in the following manner: if there be only one ratio, then a representative shall be allotted to the tenth session of the decennial period; if there be two ratios, representatives shall be allotted to the ninth and tenth sessions; if three, to the eighth, ninth, and tenth sessions; if four, to the seventh, eighth, ninth, and tenth; if five, to the sixth, seventh, eighth, ninth, and tenth; if six, to the fifth, sixth, seventh, eighth, ninth, and tenth; if seven, to the fourth, fifth, sixth, seventh, eighth, ninth, and tenth; if eight, to the third, fourth, fifth, sixth, seventh, eighth, ninth, and tenth; if nine, to the second, third, fourth, fifth, sixth, seventh, eighth, ninth, and tenth sessions of the decennial period respectively. In determining the number of senators to which any senatorial district may be entitled in any decennial period, by reason of the fraction of a senatorial ratio, the fraction shall be multiplied by five, and if the result be equal to one senatorial ratio, an additional senator shall be allotted to said district the ninth and tenth sessions; and if it be equal to two such ratios, an additional senator for the seventh,

eighth, ninth, and tenth sessions shall be allotted to such district; if three, then to the fifth, sixth, seventh, eighth, ninth, and tenth; if four, to the third, fourth, fifth, sixth, seventh, eighth, ninth, and tenth sessions respectively."

If this amendment be adopted by the electors, the counties now entitled to more than one member in either or both branches of the legislature, in the fourth and fifth sessions of the present decennial period as now provided shall have a like number of members in each branch thereof for each session of the remainder of the present decennial period.

## PROPOSED AMENDMENT GIVING THE GENERAL ASSEMBLY LARGER CONTROL OVER CORPORATIONS, 1857

Proposed by joint resolution of the General Assembly, April 3, 1857. Submitted to electors, October 13, 1857.

Total vote cast . . . . .	332,126
For amendment . . . . .	123,229
Against amendment . . . . .	35,973

Not adopted.

**RESOLVED** by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring therein, that it be and hereby is proposed to the electors of this state, on the second Tuesday of October next, to approve or reject the following amendment as a substitute for the first and second sections of the thirteenth article of the Constitution:

Corporations of every description shall be created and corporate powers granted only by general laws, which shall define the powers, privileges and immunities, and prescribe duties and liabilities of each class or description of corporations, but the General Assembly may enact special laws for the relief of corporations in peculiar cases, and may make special provisions in regard to corporations in cases where from their peculiar location or interests such special provisions are required, and may from time to time alter or repeal all such laws as are authorized by this section.<sup>22</sup>

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<sup>22</sup> Not in volume of *Laws of Ohio* for 1857; on file in office of the secretary of state. — Ed.

## PROPOSED AMENDMENT MAKING BANK AND INDIVIDUAL TAXATION EQUAL, 1857

Proposed by joint resolution of the General Assembly, April 3, 1857. Submitted to electors, October 13, 1857.

Total vote cast . . . . .	332,126
For amendment . . . . .	160,470
Against amendment . . . . .	20,609

Not adopted.

**RESOLVED** by the General Assembly of the State of Ohio, three-fifths of the members elected to each branch concurring therein, that it be and hereby is proposed to the electors of this state, to vote on the second Tuesday of October next, to approve or reject the following amendment as a substitute for the second and third sections of the twelfth article of the Constitution:

All property, personal and real, shall be subject to taxation by a uniform rule, at the true value thereof in money, but such deductions from credits may be allowed as the General Assembly may deem expedient. Provided, that burying grounds, public school houses, and all public property, and all institutions of purely public charity, and all houses used exclusively for public worship, shall be exempt from taxation; and if the total value of the personal property of any person shall not exceed fifty dollars the same shall be exempt from taxation. All property employed in banking shall always bear a burden of taxation equal to that imposed on the property of individuals.<sup>28</sup>

<sup>28</sup> Not in volume of *Laws of Ohio* for 1857; on file in office of secretary of State. — ED.

## PROPOSED AMENDMENT MAKING SINGLE LEGISLATIVE DISTRICTS, 1857

Proposed by joint resolution of the General Assembly, April 3, 1857. Submitted to electors, October 13, 1857.

Total vote cast . . . . .	332,126
For amendment . . . . .	147,260
Against amendment . . . . .	32,657

Not adopted.

**RESOLVED** by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring therein, that it be and hereby is proposed to the electors of this state to vote on the second Tuesday of October next upon the approval or rejection of the following amendment as an additional section to article eleven of the Constitution:

Every county which now is or may hereafter be entitled to more than one senator or representative for the residue of the present decennial period, or for all or any portion of any subsequent decennial period, shall be divided into as many senatorial or representative districts as there may be senators or representatives elective in any year of the present, or any subsequent decennial period; which districts shall be of contiguous territory, and each district shall contain as nearly a ratio for senator or representative as is attainable without violating the rule herein given as to contiguity of territory, and without dividing any township, election precinct, or ward. If any representative or senatorial district, composed of two or more counties shall by reason of

any excess of population over a ratio, be entitled to additional representatives or senators for any portion of the present or any subsequent decennial period, the district shall be divided into two districts, for each portion of such decennial period, which shall be contiguous territory, and each shall contain as near a ratio as is attainable without dividing counties.

If by reason of annexation of one senatorial district to another there shall be any excess of population over a senatorial ratio which shall be entitled to senatorial representation for any portion of any decennial period, each district as now constituted shall elect one senator.

Counties shall be divided into districts by the county commissioners, or such other board of officers elective and resident in the proper county as may be provided by law. At least four months prior to the general election in 1858, the counties entitled to more than one member of either house shall be divided into districts for the residue of the present decennial period; and at least four months prior to the general election of the first year of each subsequent period, the counties entitled to more than one member for all, or any portion of such decennial period, in either or both houses, shall be divided into districts for the whole of the decennial period. A description of the districts of each county shall be published as may be directed by the county commissioners, or as may be prescribed by law.<sup>24</sup>

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<sup>24</sup> Not in volume of *Laws of Ohio* for 1857; on file in office of secretary of State. — Ed.

## PROPOSED AMENDMENT CHANGING DISTRICT COURT, 1857

Proposed by joint resolution of the General Assembly, April 3, 1857. Submitted to electors, October 13, 1857.

Total vote cast . . . . .	332,126
For amendment . . . . .	156,646
Against amendment . . . . .	30,039

Not adopted.

**RESOLVED** by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring therein, that it be and hereby is proposed to the electors of this state to vote on the second Tuesday of October next upon the approval or rejection of the following amendment as a substitute for the fifth and sixth sections of the fourth article of the Constitution:

**SEC. 5.** District courts shall be held in each county at least once in each year, by one or more district judges elected by the electors of separate districts to be prescribed by law, who shall hold their office for five years, and during their continuance in office shall reside in the district for which they are elected. The provisions of the fourteenth section of this article shall apply to district judges. The General Assembly may, by law, authorize the judges of the district court and courts of common pleas to fix the times of holding their respective courts. Until district judges shall have been elected and qualified, district courts shall be held by the judges of the supreme court and of the courts of common pleas as now authorized.

**SEC. 6.** The district court shall have such jurisdiction as may be provided by law, and the judges thereof shall have and exercise such power and jurisdiction at chambers, and may be required to sit as judges of the courts of common pleas, as shall be directed by law.<sup>25</sup>

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<sup>25</sup> Not in *Laws of Ohio* for 1857; on file in office of secretary of State. — ED.

## PROPOSED AMENDMENT PROVIDING FOR ANNUAL SESSIONS OF THE GEN- ERAL ASSEMBLY, 1859

Proposed by joint resolution of the General Assembly, April 1859. Submitted to electors, October 11, 1859.

Total vote cast . . . . .	355,794
For amendment . . . . .	101,178
Against amendment . . . . .	75,394

Not adopted.

**RESOLVED** by the General Assembly of the State of Ohio, three-fifths of the members of each house concurring therein, that it be and hereby is proposed to the electors of the state to vote at the next annual October election, upon the approval or rejection of the following amendment as a substitute for the first clause of the twenty-fifth section of the second article of the Constitution of this state, to-wit: "All regular sessions of the General Assembly shall commence on the first Monday in January annually." <sup>20</sup>

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<sup>20</sup> *Laws of Ohio*, vol. lvi, 326. — ED.

## PROPOSED AMENDMENT RESTRICTING SUFFRAGE, 1867

Proposed by joint resolution of the General Assembly, April 6, 1867. Submitted to electors, October 8, 1867.

Total vote cast . . . . .	484,227
For amendment . . . . .	216,987
Against amendment . . . . .	255,340

Not adopted.

**RESOLVED** by the General Assembly of the State of Ohio, three-fifths of the members elected to each house agreeing thereto, that it be and is hereby proposed to the electors of this state to vote, at the next annual October election, upon the approval or rejection of the following amendment as a substitute for the first section of the fifth article of the Constitution of this state, to-wit:

Every male citizen of the United States of the age of twenty-one years, who shall have been a resident of the state one year next preceding the election, and of the county, township, or ward in which he resides, such time as may be provided by law, except such persons as have borne arms in support of any insurrection or rebellion against the government of the United States, or have fled from their places of residence to avoid being drafted into military service thereof, or have deserted the military or naval service of said government in time of war, and have not subsequently been honorably discharged from the same, shall have the qualifications of an elector, and be entitled to vote at all elections.<sup>27</sup>

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<sup>27</sup> *Laws of Ohio*, vol. lxiv, 328. — Ed.

## PROPOSAL TO HOLD A CONSTITUTIONAL CONVENTION, 1871

Submitted by act of General Assembly of March 30, 1871.

Submitted to electors, October 10, 1871.

Total vote cast . . . . .	459,990
For convention . . . . .	267,618
Against convention . . . . .	104,231

Adopted.

*SECTION 1. Be it enacted by the general assembly of the State of Ohio, that the question, "Shall there be a convention to revise, alter or amend the constitution?" of this state shall be submitted to the electors thereof at the general election to be held therein on the second Tuesday to wit: the tenth day of October, A.D. 1871."*<sup>28</sup>

<sup>28</sup> *Laws of Ohio*, vol. lxviii, 47. — ED.

## ACT PROVIDING FOR THE ELECTION OF DELEGATES AND ASSEMBLING OF A CONSTITUTIONAL CONVENTION, 1873

Provided for by act of the General Assembly, passed January 14, 1873, as follows:<sup>29</sup>

WHEREAS, at the general election held in this state on the second Tuesday of October, A.D., 1871, the question, "Shall there be a convention to revise, alter or amend the constitution?" was submitted to the electors of the state, and a majority of all the electors voting thereat decided in favor of a convention; and

WHEREAS, in such case, it is made the duty of the general assembly at its next session, to provide by law for the election of delegates to, and the assembling of such convention; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, that the qualified electors of each county and representative district in this state, shall on the first Monday in April, A.D. 1873, assemble at their usual places of holding April elections, and proceed to elect a number of delegates, having the qualifications of an elector, to said convention, equal to the number of representatives which each county or district was entitled to elect to the house of representatives of the sixtieth general assembly of Ohio.

SEC. 2. That said election shall be proclaimed by the sheriffs of the several counties, and shall in all respects

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<sup>29</sup> *Laws of Ohio*, vol. lxx, 6.—ED.

be conducted, and the returns thereof made, and the results thereof certified, as is provided by law in case of the election of representatives to the general assembly, the judges and clerks of such election being those of said April election; provided, if two or more candidates at such election have the highest and an equal number of votes for delegate, the election shall be determined by lot, as provided by law in case of county officers.

SEC. 3. That the delegates so elected shall assemble in the hall of the house of representatives, in the city of Columbus, on the second Tuesday of May, A.D. 1873, at ten o'clock, a.m., with authority to adjourn to any other place within this state for the holding of the convention; and may, for the purpose of a temporary organization, be called to order by the oldest member present. They shall be entitled to the privileges of senators and representatives, named in section twelve, article second of the Constitution.

SEC. 4. Said convention shall have authority to determine its own rules of proceeding, and to punish its members for disorderly conduct, to elect such officers as it may deem necessary for the proper and convenient transaction of the business of the convention, and to prescribe their duties; to make provision for the publication of its own proceedings, or any part thereof, during its session; to provide for the publication of the debates and proceedings of the convention, in durable form, and for the securing of a copyright thereof for the state; and to fix and prescribe the time and form and manner of submitting any proposed revision, alterations or amendments of the Constitution to the electors of the state; also the notice to be given of such submission.

SEC. 5. The election at which said submission shall

be made, shall be held and conducted at the places and by the officers and in the manner provided by law for the election of the members of the house of representatives so far as practicable, and the votes cast for and against each of the same separately submitted, shall be entered on the tally-sheet, counted, certified, transmitted and canvassed, and the result thereof declared in the manner prescribed in the "act relative to submitting the question, 'shall there be a convention to revise, alter or amend the Constitution' to the electors of Ohio," passed March 30, 1871, as far as applicable. And all the provisions of the laws of the state relative to elections shall apply to said election as far as applicable. If such submission be made upon a day other than the second Tuesday of October, or the first Monday of April, the judges and clerks of election, and other officers performing duties pertaining thereto, shall be entitled to the compensation fixed by law for similar services.

SEC. 6. Any vacancy occurring among the delegates by death, resignation or otherwise, shall be filled in the manner provided by law for filling a vacancy in the office of representative.

SEC. 7. The journal and proceedings of said convention shall be filed and kept in the office of secretary of state. Said secretary of state shall furnish said convention with all needed stationery, and shall do such other things relative to the distribution and publication of matter pertaining to the convention as it may require. He shall forthwith cause such number of copies of this act to be published and transmitted to the several clerks of the courts of common pleas in the state as will be sufficient to supply a copy thereof to each board of judges

of elections in their respective counties, and such clerks shall distribute the same to such boards.

SEC. 8. It shall be the duty of every state, county and municipal officer in the state to transmit without delay any information at his command which the convention (or general assembly), through any state officer, by resolution or otherwise, may require of him; and if any officer shall fail or refuse to comply with any requirement of this section, he shall forfeit and pay the sum of three hundred dollars for the benefit of common schools, to be recovered in any court of competent jurisdiction, in the name of the state of Ohio, by the prosecuting attorney of the proper county, whose duty it shall be to prosecute all cases of delinquency under this section coming to his knowledge or of which he shall be informed.

SEC. 9. The delegates and officers of the convention shall be entitled to the same compensation and mileage for their services as is allowed by law to members of the general assembly, to be paid out of the state treasury on the warrant of the auditor of state: provided an additional allowance may be made to the official reporters of the convention if deemed proper. And no warrant shall issue on the state treasury for such compensation, or for money for uses of the convention, except on order of the convention and certificate of the president thereof.

SEC. 10. This act shall take effect on passage.

## MEMBERS OF THE THIRD CONSTITUTIONAL CONVENTION, 1873-1874

**CONSTITUTIONAL CONVENTION OF 1873-1874.** The delegates were elected April 6, 1873 and met in the hall of the house of representatives in Columbus, May 13, 1873. The sessions in Columbus continued until August 8, 1873, at which time a recess was taken until December 2, 1873, when the convention resumed its sessions in Cincinnati, where it continued in session until final adjournment, May 15, 1874. The convention was in session a total of 188 days.

The convention organized by electing Morrison R. Waite, president and Dudley W. Rhodes, secretary. While the convention was in session Judge Waite was appointed Chief Justice of the United States Supreme Court and resigned his membership in the convention. Rufus King was then elected president of the convention.

The convention was made up of 105 members. Of the original membership, 62 were lawyers, 15 farmers, 7 merchants, 6 physicians, 3 bankers, 2 ministers, 2 editors, 2 manufacturers, 1 printer, 1 miller, 1 cooper, 1 educator, 1 mechanic, and 1 civil engineer.

The Constitution was submitted to the electors August 18, 1874. The total vote cast was 353,054, of which there were cast for the Constitution 102,885, and against it 250,169. Three separate propositions were submitted with the following results: for minority representation, 73,615, and 259,415 against; for railroad aid, 45,416, and 296,658 against; for licensing the liquor traffic 172,252, and 179,538 against.

### MEMBERS OF THE THIRD CONSTITUTIONAL CONVENTION

<b>MEMBERS</b>	<b>COUNTY</b>	<b>BIRTHPLACE</b>	<b>AGE</b>	<b>D. W. Rhodes, Secretary OCCUPATION</b>
Adair, Williams	Carroll	Ohio	37	Lawyer
Albright, Charles J.	Guernsey	Pennsylvania	58	Printer
Alexander, Isaac N.	Van Wert	Ohio	41	Lawyer
Andrews, S. J.	Cuyahoga	Connecticut	72	Lawyer
Baber, Llewellyn	Franklin	Virginia	47	Lawyer
Bannon, J. W.	Scioto	Ohio	32	Lawyer
Barnet, David	Preble	Pennsylvania	73	Farmer and Miller
Beer, Thomas	Crawford	Ohio	41	Lawyer
Bishop, R. M.	Hamilton	Kentucky	61	Merchant
Blose, John H.	Clarke	Ohio	35	Farmer and Merchant
Bosworth, Perry	Lake	Ohio	46	Lawyer
Burns, Barnabas	Richland	Pennsylvania	56	Lawyer
Byal, Absalom P.	Hancock	Ohio	52	Farmer
Caldwell, John L.	Pike	Ohio	30	Physician and Surgeon
Carberry, Joseph P.	Hamilton	Ireland	47	Merchant
Chapin, Harlow	Washington	Ohio	69	Civil Engineer
Clark, Milton L.	Ross	Ohio	54	Lawyer
Clark, S. W.	Jefferson	Ohio	57	Farmer and Minister

<sup>a</sup> Resigned to accept the chief justiceship of the United States Supreme Court. — *Rd.*  
<sup>b</sup> Elected in place of M. R. Waite. — *Ed.*

MEMBERS	COUNTY	BIRTHPLACE	AGE	OCCUPATION
Clay, Adam	Montgomery	Pennsylvania	51	Lawyer
Coats, John B.	Union	Vermont	52	Lawyer
Cook, Asier	Wood	Pennsylvania	52	Lawyer
Cowen, D. D. T.	Belmont	Ohio	48	Lawyer
Cunningham, T. E.	Allen	Ohio	43	Lawyer
DeSteiguer, R.	Athens	Ohio	46	Lawyer
Doan, A. W.	Clinton	Ohio	49	Lawyer
Dorsey, G. Volney	Miami	Ohio	61	Physician and Banker
Ewing, Thomas	Fairfield	Ohio	44	Lawyer
Foran, M. A.	Cuyahoga	Pennsylvania	30	Cooper
Freiberg, Julius	Hamilton	Germany	50	Merchant and Manufacturer
Gardner, Mills	Fayette	Ohio	44	Lawyer
Godfrey, T. J.	Mercer	Ohio	42	Lawyer and Banker
Greene, Jacob J.	Defiance and Paulding	Ohio	42	Editor
Griswold, S. O.	Cuyahoga	Connecticut	53	Lawyer
Gurley, John J.	Morrow	New York	53	Lawyer
Guthrie, Harvey <sup>as</sup>	Shelby	Virginia	46	Farmer
Hale, John C.	Lorain	New Hampshire	42	Lawyer
Herron, John W.	Hamilton	Pennsylvania	46	Lawyer
Hill, George Wm.	Ashland	Virginia	42	Physician
Hitchcock, Peter	Geauga	Ohio	56	Farmer
Hoadly, George	Hamilton	Connecticut	47	Lawyer

<sup>as</sup> Appointed to fill the place of E. Smith, who died before the close of the convention. - Ed

Horton, Joseph D.	Portage	Ohio	Lawyer
Hostetter, J. C.	Stark	Pennsylvania	Farmer
Humphreyville, Samuel	Medina	Massachusetts	Lawyer
Hunt, Samuel F.	Hamilton	Ohio	Lawyer
Jackson, Lyman J.	Perry	Ohio	Lawyer
Johnson, E. H.	Hamilton	Ohio	Farmer
Keck, Josiah L. <sup>ss</sup>	Hamilton	Ohio	
Kerr, W. P.	Licking	Germany	Teacher
Kraemer, A.	Ottawa	Ohio	Lawyer
Layton, W. V. M.	Auglaize	Pennsylvania	Lawyer
McBride, John K.	Wayne	Ohio	Lawyer
McCauley, John <sup>ss</sup>	Seneca	Ohio	Lawyer
McCormick, John W.	Gallia	Ohio	Farmer and Manufacturer
Merrill, Ozias	Fulton	Maine	Farmer
Miller, George D.	Darke	Ohio	Farmer
Miner, John L. <sup>ss</sup>	Hamilton	Ohio	Lawyer
Mitchner, Charles H.	Tuscarawas	Pennsylvania	Lawyer
Mueller, Jacob	Cuyahoga	Germany	Lawyer
Mullen, Thomas J.	Adams	Ohio	Farmer and Lawyer
Neal, Henry S.	Lawrence	Ohio	Lawyer
O'Connor, John D. <sup>ss</sup>	Seneca	Ohio	Physician

<sup>ss</sup> Resigned. — Ed.

<sup>ss</sup> Appointed to fill the place of John D. O'Connor, who died before the close of the convention. — Ed.

<sup>ss</sup> Appointed to fill the place of Josiah L. Keck, who resigned. — Ed.

<sup>ss</sup> Died before the end of the convention. — Ed.

be made, shall be held and conducted at the places and by the officers and in the manner provided by law for the election of the members of the house of representatives so far as practicable, and the votes cast for and against each of the same separately submitted, shall be entered on the tally-sheet, counted, certified, transmitted and canvassed, and the result thereof declared in the manner prescribed in the "act relative to submitting the question, 'shall there be a convention to revise, alter or amend the Constitution' to the electors of Ohio," passed March 30, 1871, as far as applicable. And all the provisions of the laws of the state relative to elections shall apply to said election as far as applicable. If such submission be made upon a day other than the second Tuesday of October, or the first Monday of April, the judges and clerks of election, and other officers performing duties pertaining thereto, shall be entitled to the compensation fixed by law for similar services.

SEC. 6. Any vacancy occurring among the delegates by death, resignation or otherwise, shall be filled in the manner provided by law for filling a vacancy in the office of representative.

SEC. 7. The journal and proceedings of said convention shall be filed and kept in the office of secretary of state. Said secretary of state shall furnish said convention with all needed stationery, and shall do such other things relative to the distribution and publication of matter pertaining to the convention as it may require. He shall forthwith cause such number of copies of this act to be published and transmitted to the several clerks of the courts of common pleas in the state as will be sufficient to supply a copy thereof to each board of judges

of elections in their respective counties, and such clerks shall distribute the same to such boards.

SEC. 8. It shall be the duty of every state, county and municipal officer in the state to transmit without delay any information at his command which the convention (or general assembly), through any state officer, by resolution or otherwise, may require of him; and if any officer shall fail or refuse to comply with any requirement of this section, he shall forfeit and pay the sum of three hundred dollars for the benefit of common schools, to be recovered in any court of competent jurisdiction, in the name of the state of Ohio, by the prosecuting attorney of the proper county, whose duty it shall be to prosecute all cases of delinquency under this section coming to his knowledge or of which he shall be informed.

SEC. 9. The delegates and officers of the convention shall be entitled to the same compensation and mileage for their services as is allowed by law to members of the general assembly, to be paid out of the state treasury on the warrant of the auditor of state: provided an additional allowance may be made to the official reporters of the convention if deemed proper. And no warrant shall issue on the state treasury for such compensation, or for money for uses of the convention, except on order of the convention and certificate of the president thereof.

SEC. 10. This act shall take effect on passage.

## **THE PROPOSED CONSTITUTION OF 1874**

**We, the people of the State of Ohio, grateful to Almighty God for our freedom, to secure its blessings and promote our common welfare, do establish this Constitution.**

### **ARTICLE I – BILL OF RIGHTS**

**SECTION 1.** All persons are by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and seeking and obtaining happiness and safety.

**SEC. 2.** All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform or abolish the same, whenever they may deem it necessary; and no special privileges or immunities shall ever be granted, that may not be altered, revoked or repealed by the General Assembly.

**SEC. 3.** The people have the right to assemble together in a peaceable manner, to consult for their common good; to instruct their representatives, and to petition the General Assembly for the redress of grievances.

**SEC. 4.** The people have the right to bear arms for their defense and security; but standing armies in time of peace, are dangerous to liberty, and shall not be kept up; and the military shall be in strict subordination to the civil power.

SEC. 5. The right of trial by jury shall be inviolate; but in civil cases, in courts inferior to the common pleas, in which the amount in controversy does not exceed one hundred dollars, or the right of appeal to the court of common pleas is given, a jury of not less than six persons may be provided by law.

SEC. 6. There shall be no slavery in this State; nor involuntary servitude, unless for the punishment of crime.

SEC. 7. All persons have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect or support any place of worship, or maintain any form of worship, against his consent; and no preference shall be given, by law, to any religious society; nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office; nor shall any person be incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality and knowledge, however, being essential to good government, it shall be the duty of the General Assembly to pass suitable laws, to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction.

SEC. 8. The privilege of the writ of habeas corpus shall not be suspended, unless, in case of rebellion or invasion, the public safety requires it, and then only in such manner as shall be prescribed by law.

SEC. 9. All persons shall be bailable by sufficient sureties, except for capital offenses where the proof is

evident, or the presumption great. Excessive bail shall not be required; nor excessive fines imposed; nor cruel and unusual punishments inflicted.

SEC. 10. Except in cases of impeachment, and cases arising in the army or navy, or in the militia when in actual service in time of war or public danger, and in cases of petit larceny and other inferior offences, no person shall be held to answer for a capital, or other infamous crime, unless on presentment or indictment of a grand jury. In any trial, in any court, the party accused shall be allowed to appear and defend in person and with counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process to procure the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed; nor shall any person be compelled, in a criminal case, to be a witness against himself, or be twice put in jeopardy for the same offense.

SEC. 11. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of the right; and no law shall be passed to restrain or abridge the liberty of speech, or of the press. In all criminal prosecutions for libel, the truth may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted.

SEC. 12. No person shall be transported out of the State, for an offense committed within the same; and no conviction shall work corruption of blood or forfeiture of estate.

SEC. 13. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, except in the manner prescribed by law.

SEC. 14. The right of the people to be secure in their persons, houses, papers and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the person and things to be seized.

SEC. 15. No person shall be imprisoned for debt in any civil action, or mesne or final process, unless in cases of fraud.

SEC. 16. All courts shall be open, and every person, for an injury done in his land, goods, person or reputation, shall have remedy by due course of law; and justice administered without denial or delay.

SEC. 17. No hereditary emoluments, honors or privileges shall ever be granted or conferred by this State.

SEC. 18. No power of suspending laws shall ever be exercised, except by the General Assembly.

SEC. 19. Private property shall ever be held inviolate, but subservient to the public welfare. When taken in time of war or other public exigency, imperatively requiring its immediate seizure, or for purpose of making or repairing roads, which shall be open to the public, without charge, other than streets and highways in cities and incorporated villages, a compensation shall be made to the owner in money; and in all other cases, where private property shall be taken for public use, a compensation therefor shall first be made in money, or first secured by a deposit of money; and such compensa-

tion shall be assessed by a jury, without deduction for benefits to any property of the owner.

SEC. 20. Jurisdiction to charge property or affect rights in judicial proceedings, shall not be acquired by publication only, unless upon or after making proof of such publication, it shall be found by the court that the residence and postoffice address of the party to be affected are unknown, and cannot be ascertained by reasonable diligence.

SEC. 21. This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people.

#### ARTICLE II – LEGISLATIVE

SECTION 1. The legislative power shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

SEC. 2. Senators and Representatives shall be elected biennially by the electors in the respective counties or districts, on the Tuesday succeeding the first Monday in November; their terms of office shall commence on the first day of January next thereafter, and continue two years.

SEC. 3. Senators and Representatives shall have resided in their respective counties or districts one year next preceding their election, and shall continue to reside therein during their terms of service.

SEC. 4. No person holding office under the authority of the United States, or any lucrative office under the authority of this State, shall be eligible to, or have a seat in the General Assembly; but this provision shall not extend to township officers, justices of the peace, notaries public, or officers of the militia; nor shall any per-

son interested in a contract with, or unadjusted claim against the State, hold a seat in the General Assembly.

SEC. 5. No person convicted of embezzlement of the public funds shall hold office in this state; nor shall any person holding public money have a seat in the General Assembly, until he shall have accounted for such money and paid it into the treasury.

SEC. 6. Each House shall be judge of the election, returns and qualifications of its members; a majority of the members elected to each House shall be a quorum to do business, but a less number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as shall be prescribed by law.

SEC. 7. The mode of organizing the House of Representatives at the commencement of each regular session, shall be prescribed by law.

SEC. 8. Each House, except as otherwise provided in this Constitution, shall choose its officers; may determine its rules of proceeding, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members elected thereto, expel a member, but not a second time for the same cause; and shall have other powers necessary to provide for its safety and the undisturbed transaction of its business.

SEC. 9. Each House shall keep a journal of its proceedings, which shall be published, and on which, at the request of two members, the yeas and nays shall be entered. On the passage of every bill or joint resolution, in each House, a vote shall be taken by yeas and nays, and entered on the journal. No bill or joint resolution, except joint resolutions relating to the course of business in the General Assembly, shall be passed in

either House, without the concurrence of a majority of the members elected thereto.

SEC. 10. Any member of either House shall have the right to protest against any act or resolution thereof, and such protest, and the reasons therefor, shall, on being presented to such House, be entered on the journal by the clerk, without alteration, commitment or delay.

SEC. 11. All vacancies in either House, shall, for the unexpired term, be filled by election, as shall be directed by law.

SEC. 12. Senators and Representatives, during the session of the General Assembly, and in going to and returning from the same, shall be privileged from arrest in all cases, except treason, felony or breach of the peace; and for any speech or debate, in either House, shall not be questioned elsewhere.

SEC. 13. The proceedings of both Houses shall be public, except in cases which, in the opinion of two-thirds of the members present, require secrecy.

SEC. 14. Neither House shall, without the consent of the other, adjourn for more than two days, Sundays excluded, nor to any other place than that in which the two Houses shall be in session.

SEC. 15. No law shall be passed except by bill. Bills may originate in either House, but may be altered, amended, or rejected in the other.

SEC. 16. Every bill shall be fully and distinctly read on three different days, unless, in case of urgency, three-fourths of the members elected to the House in which it shall be pending, by a vote by yeas and nays, entered on the journal, dispense with this rule; but the reading of a bill on its final passage shall in no case be dispensed

with. No bill shall contain more than one subject, which shall be clearly expressed in its title; and no law shall be revived or amended, unless the new act contain the entire act revived, or the section or sections amended; and the section or sections so amended shall be repealed.

SEC. 17. The presiding officer of each House shall sign, publicly, in the presence of the House over which he presides, while the same is in session, and capable of transacting business, all bills and joint resolutions passed by the General Assembly.

SEC. 18. Every bill passed by the General Assembly shall be presented to the governor. If approved, he shall sign it, and thereupon it shall become a law. If not approved, he shall send it, with his objections, in writing, to the House where it originated, which may then reconsider the vote on the passage of the same. If three-fifths of the members elected to that House then agree to re-pass the bill, it shall be sent, with the objections of the governor, to the other House, which may also reconsider the vote on its passage. If three-fifths of the members elected to that House agree to re-pass the same, it shall become a law; but the vote necessary to re-pass such bill, in each House, shall not be less than that required on the original passage. The vote in each House shall be by yeas and nays, entered on the journal thereof. If a bill shall not be returned by the governor within ten days, Sundays excepted, after being presented to him, it shall become a law, unless the General Assembly by adjournment prevent its return; in which case it shall be filed by him with his objections in the office of the Secretary of State, within ten days after such adjournment, or become a law. The governor may disapprove any item or items of appropriation contained

in bills passed by the General Assembly, and the item or items so disapproved shall be stricken therefrom, unless re-passed in the manner herein prescribed in cases of disapproval of bills. Every order or resolution, in which the concurrence of both branches of the General Assembly may be necessary, except on questions of adjournment, or pertaining to the transaction of business by the Houses, shall be presented to the governor, and, before the same shall take effect, be approved by him, or, being disapproved, shall be re-passed in the manner herein prescribed for the re-passage of bills.

SEC. 19. The style of the laws of this State shall be, "*Be it enacted by the General Assembly of the State of Ohio.*"

SEC. 20. No Senator or Representative shall, during the term for which he shall have been elected, or for one year thereafter, be appointed to any civil office under the laws of this State, which shall be created or the emoluments of which shall be increased during such term.

SEC. 21. The General Assembly shall fix the term of office and compensation of officers in cases not provided for in this Constitution; but shall not extend the term of office, or change the salary, fees or compensation of any person elected or appointed to any office or position after such person shall have been elected or appointed. If any office be abolished, the salary or compensation attached thereto shall thereupon cease.

SEC. 22. The General Assembly shall provide by law, before what authority and in what manner the trial of contested elections shall be conducted.

SEC. 23. No money shall be drawn from the treasury

except in pursuance of specific appropriation made by law, the purpose of which shall be distinctly stated in the bill, and no appropriation shall be for a longer period than two years. On the passage of such bills, or on concurring in amendments thereto, a separate vote on any item or items therein shall, on demand of any member, be had by yeas and nays, entered on the journal; and every such item, failing to receive the vote of the requisite majority of the members elected to the House in which the bill is pending, shall be stricken therefrom, and each item receiving such majority shall be declared passed.

SEC. 24. The General Assembly shall prescribe by law the number, duties and compensation of the officers and employes of each House, and no payment shall be made from the State Treasury, or be in any way authorized, to any officer or employe not elected or appointed in pursuance of law.

SEC. 25. No extra compensation shall be made to any officer, public agent, employe or contractor, after the services shall have been rendered or the contract entered into; nor shall any money be appropriated or paid on any claim, the subject matter of which shall not have been provided for by pre-existing law, unless such compensation or claim be allowed by bill, passed by two-thirds of the members elected to each branch of the General Assembly. No provision authorizing the expenditure or payment of money for any purpose not provided for by pre-existing law, shall be included in any bill making appropriations for a purpose which shall have been so provided for; nor shall more than one class of compensation or claims be included in the same bill.

Every appropriation for the payment of such compensation or claim, included in an act making appropriations of a different class, shall be void.

SEC. 26. The House of Representatives shall have the sole power of impeachment, but a majority of the members elected must concur therein. Impeachments shall be tried by the Senate, and the Senators, when sitting for that purpose, shall be on oath or affirmation to do justice according to law and evidence. When the governor is on trial, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of two-thirds of the Senators.

SEC. 27. The governor, judges, and all State officers may be impeached for misdemeanor in office; but judgment shall not extend further than removal from office, and disqualification to hold office under the authority of this State. The party impeached, whether convicted or not, shall be liable to indictment, trial and judgment, according to law.

SEC. 28. All regular sessions of the General Assembly shall commence on the first Wednesday of January annually.

SEC. 29. All laws of a general nature shall have a uniform operation throughout the State. No act, or part of an act, except such as relates to public schools, public buildings, or public bridges, shall be passed to take effect upon a vote of the people to be affected thereby, or upon the approval of any other authority than the General Assembly, except as otherwise provided in this Constitution; nor shall any act be passed conferring special powers or privileges upon any county, township, city, village or other municipality, not conferred upon all

counties, townships, cities, villages and municipalities of the same general class.

SEC. 30. The election and appointment of all officers, and the filling of all vacancies, not otherwise provided for by this Constitution or the Constitution of the United States, shall be made in such manner as may be directed by law; but no appointing power shall be exercised by the General Assembly, except as prescribed in this Constitution, and in the election of United States Senators; and in these cases the vote shall be taken *viva voce*.

SEC. 31. The General Assembly shall have no power to pass retroactive laws, or laws impairing the obligation of contracts; but may, by general laws, authorize courts to carry into effect, upon such terms as shall be just and equitable, the manifest intention of parties and officers, by curing omissions, defects and errors in instruments and proceedings, arising out of their want of conformity to the laws of this State.

SEC. 32. No new county shall contain less than four hundred square miles of territory, nor shall any county be reduced below that amount; and all laws creating new counties, changing county lines or removing county seats, shall, before taking effect, be submitted to the electors of the several counties to be affected thereby, at the next general election after the passage thereof and be adopted by a majority of all the electors voting at such election in each of said counties; but any county now or hereafter containing one hundred thousand inhabitants may be divided, whenever a majority of the voters residing in each of the proposed divisions shall approve the law passed for that purpose; but no town or

city within the same shall be divided, nor shall either of the divisions contain less than twenty thousand inhabitants.

SEC. 33. The members of the General Assembly shall receive a fixed annual salary and mileage, to be prescribed by law, and no other allowance or perquisites, either in payment of postage or otherwise; and no change in their compensation shall take effect during their term of office, but the General Assembly shall provide for ratable deductions therefrom on account of unnecessary absence during its sessions.

SEC. 34. The General Assembly shall grant no divorce, nor exercise any judicial power not herein expressly conferred.

### ARTICLE III – EXECUTIVE

SECTION 1. The executive department shall consist of a governor, lieutenant-governor, secretary of state, treasurer of state, auditor of state and attorney-general, who shall be chosen by the electors of the state on the Tuesday succeeding the first Monday of November, at the places of voting for members of the General Assembly.

SEC. 2. The official terms of the governor, lieutenant-governor, secretary, treasurer and attorney-general, shall be two years; and of the auditor four years, and shall commence on the second Monday of January next after their election, and continue until their successors are elected and qualified.

SEC. 3. The returns of every election for the officers named in the foregoing section, shall be sealed up and transmitted to the seat of government, by the returning officers, directed to the president of the senate, who, during the first week of the session, shall open and publish

them, and declare the result in the presence of a majority of the members of each house of the General Assembly. The person having the highest number of votes shall be declared elected, but if two or more shall be highest, and have an equal number of votes, for the same office, one of them shall be chosen by the joint vote of both houses.

SEC. 4. The supreme executive power of the state shall be vested in the governor.

SEC. 5. He may require information, in writing from the officers of the executive department, upon any subject relating to the duties of their respective offices; and shall see that the laws are faithfully executed.

SEC. 6. He shall by message communicate to the General Assembly, at every session, the condition of the state, and recommend such measures as he may deem expedient.

SEC. 7. He may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to both Houses, when assembled, the purpose for which they have been convened.

SEC. 8. In case of disagreement between the two Houses, in respect to the time of adjournment, he shall have power to adjourn the General Assembly to such time as he may think proper, but not beyond the regular meetings thereof.

SEC. 9. He shall be commander-in-chief of the military and naval forces of the State, except when they shall be called into the service of the United States.

SEC. 10. He shall have power, after conviction, to grant reprieves, commutations and pardons, for all crimes and offences, except treason and cases of impeachment, upon such conditions as he may think

proper, subject, however, to such regulations as to the manner of applying for pardons, as may be prescribed by law. Upon conviction for treason, he may suspend the execution of the sentence, and report the case to the General Assembly at its next meeting, when the General Assembly shall either pardon, commute the sentence, direct its execution or grant a further reprieve. He shall communicate to the General Assembly, at every regular session, each case of reprieve, commutation, or pardon, with his reasons therefor, stating the name and crime of the convict, the sentence, its date, and the date of the commutation, pardon, or reprieve.

SEC. 11. A Seal of the State shall be kept by the governor, used by him officially, and called "The Great Seal of the State of Ohio."

SEC. 12. All grants and commissions shall be issued in the name and by the authority of the State of Ohio, sealed with the great seal, signed by the governor, and countersigned by the Secretary of State.

SEC. 13. No member of Congress, or other person holding office under the authority of this State, or of the United States, shall exercise the office of governor, except as herein provided.

SEC. 14. In case of the death, impeachment, resignation, removal, or disability of the governor, the powers and duties of the office, for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the lieutenant-governor. The General Assembly shall provide by law for the case of impeachment, removal, death, resignation or disability of both governor and lieutenant-governor, declaring what officer shall act as governor until the disability be removed, or a governor elected and qualified.

SEC. 15. The lieutenant-governor shall be president of the Senate, and may vote when the Senate is equally divided but not upon a question relating to a bill on any stage thereof, nor upon a joint resolution requiring a vote of the majority of the members elected to the Senate, nor in a contested election of a member of the Senate, nor in the election of a Senator in Congress. The Senate shall choose a president pro tempore, who shall serve during its pleasure. He shall preside when the lieutenant-governor is absent or impeached, or acting as governor.

SEC. 16. Should the office of auditor, treasurer, secretary, or attorney-general become vacant, for any such cause as is specified in the fourteenth section of this Article, the governor shall fill the vacancy until the disability is removed, or a successor elected and qualified. Such vacancies shall be filled at the first election for governor held more than thirty days after they occur; and the person chosen shall hold the office for the full term fixed in the second section of this Article.

SEC. 17. The officers mentioned in this Article shall, at stated times, receive for their services a compensation to be fixed by law.

SEC. 18. The officers of the executive department, and of the public State institutions, shall, at least five days preceding each regular session of the General Assembly, severally report to the governor, who shall transmit such reports, with his message, to the General Assembly.

#### ARTICLE IV – JUDICIAL

SECTION 1. The judicial power of the State shall be vested in a supreme court, circuit courts, courts of common pleas, courts of probate, justices of the peace, and

such other courts inferior to the circuit court, in one or more counties or cities, as the General Assembly may from time to time establish.

SEC. 2. The supreme court shall consist of five judges, a majority of whom shall be necessary to form a quorum or pronounce a decision. It shall have original jurisdiction in quo warranto, mandamus, habeas corpus and procedendo, and such appellate jurisdiction as may be provided by law. It shall hold at least one term in each year at the seat of government, and such other terms, at the seat of government or elsewhere, as may be provided by law. The judges of the supreme court shall be elected by the electors of the State at large, and their term of office shall be ten years. Said court may appoint a clerk and reporter, who shall receive such compensation as may be prescribed by law.

SEC. 3. At the first election for judges of the supreme court, no elector shall vote for more than three candidates.

SEC. 4. The judges of the present supreme court, in office when the judges of the supreme court first elected under this Constitution shall be qualified, are hereby constituted a commission to dispose of such part of the business then on the docket, as shall not, by arrangement between the commission and the new court, be transferred to the latter; which commission shall have like jurisdiction and powers in respect thereto, as are or may be vested in said court. The members of the commission shall be paid the same compensation as the judges of the supreme court for the time being.

SEC. 5. Said commission shall consist of five members, a majority of whom shall be necessary to form a quorum or pronounce a decision. Any vacancy occur-

ring in the commission shall be filled by appointment of the governor, with the advice and consent of the Senate; or if the General Assembly be not in session, by the governor; but, in such case the appointment shall expire at the end of the next session of the General Assembly. The commissioners may appoint and remove such attendants as may be necessary. The clerk and reporter of the supreme court shall be clerk and reporter of the commission. The decisions of the commission shall be certified, entered and enforced as the judgments of the supreme court. The commission shall continue until the cases committed to it are determined, but not exceeding three years; and all cases then undetermined shall be disposed of by the supreme court.

SEC. 6. The General Assembly may, on application of the supreme court, duly entered on its journal and certified, provide by law, from time to time, for the appointment by the governor, with the advice and consent of the Senate, of a like commission; provided that the term of any such commission shall not exceed two years; nor shall it be created oftener than once in ten years.

SEC. 7. The State shall be divided into seven judicial circuits of compact territory, and bounded by county lines, in each of which, three judges residing therein, shall be elected by the electors thereof. The circuit court shall consist of three of the judges so elected, two of whom shall be necessary to form a quorum, or pronounce a decision; and shall be held in each county at least twice in each year. The judges may be allotted for that purpose to the several circuits, in such mode and order, and under such regulations as may be prescribed by law; and their term of office shall be eight years.

More than one court may be held at the same time in any circuit.

SEC. 8. The circuit court shall have like original jurisdiction with the supreme court, and such appellate jurisdiction, inferior to that of the supreme court, as may be provided by law.

SEC. 9. The State shall be divided into twelve common pleas districts, of compact territory, bounded by county lines. Each district composed of two or more counties shall be divided into subdivisions, not exceeding the number of judges to be chosen therein, of compact territory, bounded by county lines, and as nearly equal in population as practicable, having due regard to business. In each district, or its subdivisions, as the case may be, such number of common pleas judges, residing therein, as is provided in this Constitution, shall be elected by the electors thereof, who shall be judges of their respective districts. In each quarter of the judicial year, which shall commence on the first day of January, and in each county of the several districts, a term of the common pleas court shall be held by one or more of these judges; and more than one court may be held at the same time in any district or division. The judicial service of each district shall be apportioned to the several counties thereof, according to population and business. Not less than seventy-two days of open session, in the first, second and fourth quarters, respectively, and twenty-four days in the third quarter, shall be held by each judge, unless all the business assigned to him be sooner disposed of: provided, that in districts composed of a single county, no judge shall be required to hold such session more than ten days in the third quarter.

The General Assembly may provide by law for assigning a judge or judges of any district, to hold court in any other district, when necessary.

SEC. 10. The jurisdiction of the courts of common pleas, and of the judges thereof, shall be fixed by law, but shall be inferior to that of the circuit court.

SEC. 11. The judges of the courts of common pleas, while in office, shall reside in the district for which they are elected; and their term of office shall be six years.

SEC. 12. The General Assembly may fix by law the times of holding the several courts of record, or may authorize the judges thereof, respectively, to fix the same.

SEC. 13. The General Assembly may increase or diminish the number of the judges of the circuit courts, and of the courts of common pleas, the number of circuits and districts; and may change the circuits, districts and subdivisions, and establish other courts, whenever two-thirds of the members elected to each House shall concur therein; but no such change shall vacate the office of a judge. No member of the General Assembly creating an additional judgeship, shall be eligible to such office for one year after the creation thereof, nor until after the first general election thereafter.

SEC. 14. The several judges of the supreme court, circuit courts, courts of common pleas, and such other courts as may be created, respectively, shall have such jurisdiction at chambers, or otherwise, as may be conferred by law.

SEC. 15. There shall be established in each county a probate court, which shall be a court of record, open at all times, and held by one judge, elected by the electors

of the county; and whose term of office shall be four years.

SEC. 16. The probate court shall have jurisdiction in probate and testamentary matters, the appointment of administrators and guardians, the settlement of the accounts of executors, administrators and guardians, and such jurisdiction in habeas corpus, the issuing of marriage licenses, and for the sale of land by executors, administrators and guardians, and such other jurisdiction in any county or counties as may be provided by law. But no provisional order made by a probate judge, in a cause pending in any other court, shall be operative or revived after such order shall have been vacated or dissolved.

SEC. 17. All judges, other than those provided for in this Constitution, shall be elected by the electors of the judicial district for which they may be created, but not for a longer term than six years.

SEC. 18. The General Assembly may provide by law for the appointment of a judge pro tempore, to hold sittings of any court inferior to the circuit court, when the judge thereof is absent, or otherwise unable or disqualified to preside.

SEC. 19. The judges of the supreme court, circuit courts, courts of common pleas, and such other courts as may be created, shall at stated times, receive for their services such compensation as may be provided by law, which, after the first session of the General Assembly held under this Constitution, shall not be changed during their term of office; but the compensation of the judges of the supreme court shall be five thousand dollars per annum, until the Legislature shall otherwise provide. No judge of a court of record shall receive

any fees or perquisites, or hold any other office of profit or trust under the authority of this State or the United States. All votes for such judge for any elective office, except a judicial office, under the authority of this State, given by the General Assembly, or the people, shall be void.

SEC. 20. In case the office of a judge shall become vacant before the expiration of the term for which he was elected, the vacancy shall be filled by the governor, until a successor is elected and qualified; and such successor shall be elected at the first election for governor that occurs more than thirty days after the vacancy shall have happened.

SEC. 21. Judges may be removed from office by concurrent resolution of both Houses of the General Assembly, if two-thirds of the members elected to each House concur therein; but no such removal shall be made except upon complaint, the substance of which shall be entered on the Journal; nor until the party charged shall have had notice thereof, and an opportunity to be heard.

SEC. 22. Drunkenness of a judicial officer, during a term of his court, or when otherwise officially engaged, shall work a forfeiture of his office; and upon such fact being established, as shall be provided by law, his office shall become vacant. It shall be the duty of the General Assembly to provide for carrying this section into effect.

SEC. 23. There shall be elected in each county, by the electors thereof, a clerk of the court of common pleas, who shall hold his office for the term of four years, and until his successor is elected and qualified. He shall, unless otherwise provided, be clerk of all other courts of record in such county. The General Assembly may

provide for the election of a clerk, with a like term of office, for each or any other court of record, except the supreme court. The judge of the probate court shall perform the duties of clerk of said court, unless otherwise provided by law. Clerks of courts shall be removable for such cause and in such manner as the General Assembly may prescribe.

SEC. 24. Probate judges and clerks of courts, other than the supreme court, shall receive a fixed salary out of the proper county treasury and all their official fees shall be paid into such treasury. The clerk of the supreme court, shall receive a fixed salary out of the State treasury and shall pay into it all his official fees.

SEC. 25. A competent number of justices of the peace shall be elected by the electors in each township, at the time fixed for the election of other township officers. Their term of office shall be four years, and their powers and duties shall be defined by law. Vacancies occurring in the office shall be filled by appointment, until the next general election of township officers, in such manner as may be provided by law.

SEC. 26. All judges of courts of record inferior to the supreme court, shall, on or before the first day of June of each year, report in writing to the judges of the supreme court such defects and omissions in the laws as their official experience may suggest; and the judges of the supreme court shall, on or before the first day of December of each year, report in writing to the governor such defects and omissions in the laws as they may find to exist; and all judges of courts of record inferior to the supreme court shall report to the General Assembly, at each regular session thereof, the number of days they have held court in the several counties composing

their respective circuits and districts the preceding year.

SEC. 27. The style of all process shall be "The State of Ohio." All prosecutions shall be carried on in the name and by the authority of the State of Ohio, and all indictments shall conclude, "against the peace and dignity of the State of Ohio."

#### ARTICLE V – ELECTIVE FRANCHISE

SECTION 1. Every male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the State one year next preceding the election, and of the county, township or ward in which he resides, such time as may be provided by law, shall have the qualifications of an elector, and be entitled to vote at all elections.

SEC. 2. No idiot or insane person shall be entitled to the privilege of an elector.

SEC. 3. The General Assembly shall have power to exclude from the privilege of voting, or being eligible to office, any person convicted of bribery, perjury or other infamous crime.

SEC. 4. All elections shall be by ballot.

SEC. 5. Electors, during their attendance at elections, and in going to and returning therefrom, shall be privileged from arrest in all cases, except treason, felony and breach of the peace.

SEC. 6. No person shall be deemed to have gained or lost his residence as an elector, by reason of his presence or absence in the service of the United States, or in the navigation of the high seas or waters of the United States, or by reason of his presence or absence for any temporary purpose.

SEC. 7. Every elector in the actual military service of

the United States, or of this State, and not in the regular army, may exercise the right of suffrage at such place and under such regulations as may be prescribed by law.

#### ARTICLE VI – EDUCATION

SECTION 1. The principal of all funds arising from the sale or other disposition of lands and other property, granted or entrusted to the State for educational or religious purposes, shall forever be preserved inviolate and undiminished and the income therefrom shall be faithfully applied to the specific objects of the original grants and trusts.

SEC. 2. The General Assembly shall make such provision, by taxation or otherwise, as, with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the State. No religious or other sect shall ever have exclusive right to, or control of any part of the school funds of the State.

SEC. 3. Women, having such qualifications as to age, citizenship and residence, as may be prescribed for electors, shall be eligible to any office under the school laws, except that of State commissioner of common schools.

#### ARTICLE VII – PUBLIC INSTITUTIONS

SECTION 1. Institutions for the benefit of the insane, both curable and incurable, the blind, and the deaf and dumb, shall always be supported by the State.

SEC. 2. An asylum for idiotic and imbecile youth, a home for soldiers' and sailors' orphans, and a girls' industrial home, shall be supported so long as the General Assembly may deem them necessary.

SEC. 3. The punitive and reformatory institutions for

the State shall be a reform school for boys, a house of discipline and a penitentiary.

SEC. 4. All public institutions shall be subject to such regulations as may be prescribed by law.

#### ARTICLE VIII – PUBLIC DEBTS AND PUBLIC WORKS

SECTION 1. The State may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts shall never exceed seven hundred and fifty thousand dollars; and the money arising from the creation of such debts shall be applied to the purpose for which it was obtained, or to pay the debts so contracted, and to no other purpose.

SEC. 2. The State may also contract debts to repel invasion, suppress insurrection, defend the State in time of war, or redeem its present indebtedness; but the money arising from the creation of such debts shall be applied to the purpose for which it was obtained, or to pay the debts so contracted, and to no other purpose; and all debts incurred to redeem the present indebtedness of the State shall be made payable from the sinking fund hereinafter provided for, as the same shall accumulate.

SEC. 3. Except as provided in sections one and two of this Article, no debt shall be created by or on behalf of the State.

SEC. 4. The credit of the State shall not be given or loaned to, or in aid of any individual, association or corporation; nor shall the State become a stockholder or part owner in any company or association.

SEC. 5. The State shall never assume any debt of a county, township, city, town, village, or corporation,

unless such debt shall have been created to repel invasion, suppress insurrection, or defend the State in time of war.

SEC. 6. No county, township, city, town, village or other political or municipal division of the State, shall become a stockholder, either directly or indirectly, in any joint stock company, corporation or association; or raise money for or in aid of, or loan its credit to or in aid of any such company, corporation or association; or purchase or construct, or in any way aid in purchasing or constructing any railroad, canal, or appurtenance thereto.

SEC. 7. The faith of the State being pledged for the payment of its public debt, in order to provide therefor, a sinking fund shall be created, sufficient to pay the accruing interest on such debt, and annually reduce the principal thereof, by a sum not less than one hundred thousand dollars, increased yearly, and each and every year, by compounding at the rate of six per cent per annum, from the fifteenth day of November, one thousand eight hundred and fifty-one. The said sinking fund shall consist of the net annual income of the public works, and stocks owned by the State, of any other funds or resources that are or may be provided by law, and of such further sum, to be raised by taxation, as may be required for the purposes aforesaid; and no part thereof shall ever be transferred to any other fund, or used for any other purpose.

SEC. 8. The auditor of state, secretary of state, and attorney-general, shall be a board of commissioners, to be styled "The Commissioners of the Sinking Fund."

SEC. 9. The commissioners of the sinking fund shall, immediately preceding each regular session of the Gen-

eral Assembly, make an estimate of the probable amount of the fund provided for in the seventh section of this Article, from all sources, except from taxation, and report the same, together with all their proceedings relative to said fund and the public debt, to the governor, who shall transmit the same, with his regular message, to the General Assembly; and the General Assembly shall make all necessary provision for raising and disbursing said sinking fund, in pursuance of the provisions of this Article.

SEC. 10. It shall be the duty of said commissioners faithfully to apply said fund, together with all moneys that may be appropriated by the General Assembly to that object, to the payment of the interest, as it becomes due, and the redemption of the principal of the public debt of the State, excepting only the school and trust funds held by the State.

SEC. 11. The said commissioners shall, semi-annually, make a full and detailed report of their proceedings to the governor, who shall immediately cause the same to be published, and communicate it to the General Assembly, if in session, and if not, then at its first session after such report is made.

SEC. 12. At the first general election after the adoption of this Constitution, and every four years thereafter, so long as the State has public works which require superintendence, there shall be elected by the electors of the State a superintendent of public works, to serve for four years.

SEC. 13. The qualifications, powers, duties and compensation of said superintendent, shall be such as may be prescribed by law.

**ARTICLE IX – MILITIA**

**SECTION 1.** All able-bodied male citizens of the United States, residents of this State, being eighteen and under forty-five years of age, shall be enrolled in the militia and perform military duty in such manner, not incompatible with the Constitution and laws of the United States, as may be provided by law; but no person having conscientious scruples against bearing arms shall be compelled to perform military duty in time of peace. Every person claiming exemption from such service shall, in lieu thereof, pay into the school fund of the county of which he may be a resident an equivalent in money; the amount and manner of payment to be fixed by law.

**SEC. 2.** The governor shall appoint the adjutant-general, quartermaster-general and his other staff officers; also, all colonels, lieutenant-colonels, majors and other field officers. He shall also, with the advice and consent of the Senate, appoint all major-generals and brigadier-generals. Should a vacancy occur in the office of major-general or brigadier-general when the General Assembly is not in session, it shall be filled by appointment by the governor. No such appointment shall extend beyond the close of the next session of the General Assembly.

**SEC. 3.** Captains and subalterns shall be elected by the persons subject to military duty in their respective companies, in such manner as may be provided by law.

**SEC. 4.** Major-generals, brigadier-generals, and colonels or commandants of regiments or battalions shall severally appoint their staff officers and captains shall appoint their non-commissioned officers and musicians.

SEC. 5. The governor shall commission all officers of the line and staff, ranking as such, and shall have power to call forth the militia to execute the laws of the State, to suppress insurrection and repel invasion.

SEC. 6. The General Assembly shall provide for the safe keeping of the public arms of the State.

#### ARTICLE X – COUNTY AND TOWNSHIP ORGANIZATIONS

SECTION 1. Each county shall be a body corporate, with such organization, powers, immunities and liabilities as may be prescribed by law. All suits and proceedings by or against a county shall be in the name thereof.

SEC. 2. The General Assembly shall provide by law for the election of such county and township officers as may be necessary. The county auditor, county treasurer and prosecuting attorney shall each receive a fixed salary out of the treasury of the proper county, and no other fees or compensation shall be allowed or paid said officers.

SEC. 3. County officers, until otherwise directed by law, shall be elected on the Tuesday succeeding the first Monday of November, by the electors of each county, in such manner and for such term, not exceeding four years, as may be provided by law.

SEC. 4. No person shall be eligible to the office of sheriff or county treasurer for more than four years in any period of six years.

SEC. 5. Each township shall be a body corporate, with such organization, powers, immunities and liabilities as may be prescribed by law. All suits and proceedings by or against a township shall be in the name thereof.

SEC. 6. Township officers shall be elected by the

electors of each township, at such times, in such manner and for such term, not exceeding three years, as may be provided by law; but shall hold their offices until their successors are elected and qualified.

SEC. 7. No money shall be drawn from any county or township treasury, except by authority of law; nor shall money raised by taxation, loan or assessment, for one purpose, ever be diverted to another.

SEC. 8. County and township officers may be removed in such manner, and for such cause, as shall be provided by law.

SEC. 9. Counties and townships shall, when necessary to the public convenience or welfare, have such power of local taxation and assessment for police purposes, for constructing and improving ditches and public roads other than railroads, and for clearing water courses, as may be prescribed by law.

#### ARTICLE XI – MUNICIPAL CORPORATIONS

SECTION 1. The General Assembly shall provide, by general laws, for the organization and classification of municipal corporations. The number of such classes shall not exceed six, and the powers of each class shall be defined by general laws, so that no such corporations shall have any powers, or be subject to any restrictions other than all corporations of the same class. The General Assembly shall restrict the power of such corporations to levy taxes and assessments, borrow money and contract debts, so as to prevent the abuse of such power.

SEC. 2. No municipal corporation shall loan its credit to any person or corporation, except as may be otherwise provided in this Constitution.

SEC. 3. No assessment shall be levied by a municipal

corporation upon any property, which shall require the payment in one year of more than ten per centum of its value, as ascertained by the tax duplicate; nor shall the aggregate of such assessments, in any period of ten years, exceed fifty per centum of the highest taxable valuation of such property during the same period.

SEC. 4. The indebtedness of a municipal corporation shall never exceed in the aggregate five per centum of the value of the property within such corporation, as ascertained from time to time by the tax duplicate thereof, without the consent, first obtained, to such increase of indebtedness, and the approval of the objects for which the same is to be created, of at least three-fourths of all the electors of such corporation, to be ascertained in the mode prescribed by law; and in no case shall such indebtedness exceed ten per centum of said taxable value. In ascertaining such indebtedness, there shall be included an amount which, at the rate of six per centum per annum, will produce a sum equal to the aggregate annual rents payable by such corporation. This section shall not be construed to prevent municipal corporations from incurring indebtedness necessary for military purposes in time of war, or for the completion of any work authorized by law and heretofore undertaken; nor, until the first valuation of real estate for taxation hereafter made, to prevent the borrowing of money in anticipation of the collection of assessments actually levied.

SEC. 5. Except as otherwise provided in this Constitution, no tax or assessment shall be levied or collected, or debt contracted by a municipal corporation, except in pursuance of law, for public purposes specified by law; nor shall money raised by taxation, loan or assessment, for one purpose, ever be diverted to another.

SEC. 6. No property shall be appropriated to the use of a municipal corporation, until compensation therefor be first made in money or first secured by a deposit of money, to be assessed in the manner and by the rule prescribed in section nineteen of the Bill of Rights.

#### ARTICLE XII – PRIVATE CORPORATIONS

SECTION 1. The General Assembly shall pass no special act conferring corporate powers.

SEC. 2. Corporations may be formed under general laws, but such laws may, from time to time, be altered or repealed.

SEC. 3. Dues from corporations shall be secured by such individual liability of the stockholders and other means as may be prescribed by law; but, in all cases, each stockholder shall be liable over and above the stock by him or her owned, and any amount unpaid thereon, to a further sum, at least equal in amount to such stock.

SEC. 4. No property shall be appropriated to the use of a corporation until full compensation therefor be first made in money, or first secured, by a deposit of money, to the owner, irrespective of any benefit from any improvement proposed by such corporation; which compensation shall be ascertained by a jury of twelve men, in a court of record, as may be prescribed by law.

SEC. 5. No act of the General Assembly authorizing the issue of bills, notes or other paper, which may circulate as money, shall take effect until submitted to the people, at the general election next succeeding the passage thereof, and approved by a majority of the electors voting at such election; and the redemption of all such paper shall be fully secured by the deposit of such se-

curities of the United States, or of this State, as may be prescribed by law.

SEC. 6. The directors of a corporation shall be chosen at one time by general ticket. At elections for directors, each shareholder shall have as many votes as the number of shares held by him, multiplied by the number of directors to be chosen, and may cast all his votes for one candidate, or distribute them, as he may see fit.

SEC. 7. Foreign corporations may be authorized to do business in this State, under such limitations and restrictions as may be prescribed by law; and, as to contracts made or business done in this State, shall be subject to the same regulations, limitations and liabilities as like corporations of this State; and shall exercise no other or greater powers, privileges or franchises than may be exercised by like corporations of this State; nor shall they have power to condemn or appropriate private property.

SEC. 8. The General Assembly may, by general law, subject to the provisions of this Constitution, extend the existence of societies for savings, created prior to the first day of September, one thousand eight hundred and fifty-one, whose charters are subject to alteration, amendment, or repeal. No other corporations of this State incorporated prior to the first day of May, one thousand eight hundred and fifty-two, shall have the benefit of any law passed since that date, or which shall hereafter be passed, except laws regulating judicial procedure, unless they shall reorganize under and subject to the provisions of this Constitution.

SEC. 9. No officer or agent of any company owning, operating or using a railroad within this State, shall be

interested directly or indirectly, either by himself or associated with others in the receipts, contracts or earnings of such company, otherwise than as an ordinary shipper or passenger, or as a stockholder, bond creditor or employe; nor in any arrangement which shall afford more advantageous terms or greater facilities than are offered and accorded to the public; and all contracts and arrangements in violation of this section shall be void.

SEC. 10. No railroad company shall consolidate with another, having a line parallel or competing with its own; or lease, purchase, or control such line; and no officer of a railroad company shall act as an officer of any other company owning or controlling a parallel or competing line; and no railroad company shall do business in this State, which shares its earnings, in any manner, with a company owning or controlling a parallel or competing line within this State.

SEC. 11. No foreign corporation shall carry on the business of transporting persons or property, or of telegraphing, mining, manufacturing or insurance in this State, except while it maintains therein an office, where, or on the person in charge of which, process may be served in any action or legal proceeding instituted against it; nor after it shall cause or procure to be removed into any of the courts of the United States a proceeding instituted by or against it, in any court of this State, upon a cause of action arising out of such business, which a corporation of this State, if a party to such proceeding, might not cause or procure to be so removed.

SEC. 12. The General Assembly shall pass laws to correct abuses and prevent unjust discrimination and excessive charges by railroad companies for transporting

freight and passengers; and shall provide for enforcing such laws by adequate penalties and forfeitures.

SEC. 13. No corporation shall issue stocks or bonds, except for money or property actually received, or labor done; and all fictitious increase of stock or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased, except in pursuance of general law; nor until the consent of the persons holding the larger amount in value of the stock shall be obtained, at a meeting held after notice given, for a period not less than sixty days, in pursuance of law.

SEC. 14. Persons and property transported over any railroad, shall be carried to any station at charges not exceeding in gross the charges for the same class and amount of transportation of persons and property in the same direction, to any more distant station; but excursion commutation tickets may be issued at special rates.

#### ARTICLE XIII – REVENUE AND TAXATION

SECTION 1. The General Assembly shall provide for raising revenue to defray the expenses of the State for each year, including a sum sufficient to pay the interest on the State debt, and so much, at least, of the principal thereof, as is provided for in Article VIII of this Constitution.

SEC. 2. The General Assembly shall never levy a poll tax for county or State purposes.

SEC. 3. Laws shall be passed taxing, by a uniform rate, all real and personal property, according to its value in money, to be ascertained by such rules of appraisement as may be prescribed by the General Assembly, so that all property shall bear an equal proportion of the bur-

dens of taxation, provided, that the deduction of debts from credits may be authorized.

SEC. 4. The General Assembly may provide by general laws for exemption from taxation of all burial grounds, public school houses, houses used exclusively for public worship, institutions of purely public charity, public libraries, public property used exclusively for any public purpose, and personal property to an amount not exceeding two hundred dollars for each individual; but such laws shall be subject to alteration or repeal, and the value of property so exempted shall, from time to time, be ascertained and published, as may be directed by law.

SEC. 5. The General Assembly may impose taxes by license, excise or otherwise, and also provide, by equitable rules, for taxing franchises and income derived from investments, when the principal from which such income is derived cannot be taxed.

SEC. 6. Banks and bankers shall be taxed by such equitable rules, based upon capital employed and business done, as will require them to share equally with other persons in the burdens of taxation; but this provision shall not prevent the taxation of shares of stock in any bank.

SEC. 7. The General Assembly may, by special tax, assessment, or otherwise, regulate, restrain or prohibit the keeping, harboring, or running at large of dogs.

SEC. 8. No tax shall be levied except in pursuance of law, and every law imposing a tax shall state distinctly the object of the same, to which only it shall be applied.

SEC. 9. The State shall never contract any debt for the purposes of internal improvement.

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#### ARTICLE XIV – LEGISLATIVE APPORTIONMENT AND REPRESENTATION

**SECTION 1.** The apportionment for members of the General Assembly shall be made every ten years, after the year one thousand eight hundred and seventy-two, in the manner hereinafter provided.

**SEC. 2.** The population of the State, as ascertained by the federal census, or in such other mode as the General Assembly may direct, shall be divided by the number one hundred and five, and the quotient shall be the ratio of representation in the house of representatives for the ten years succeeding such apportionment.

**SEC. 3.** Every county shall be entitled to one representative; every county containing said ratio and one-half over, shall be entitled to two representatives; every county containing three times said ratio shall be entitled to three representatives; and so on, requiring after the first two an entire ratio for each additional representative.

**SEC. 4.** The ratio for a Senator shall be ascertained by dividing the population of the State by the number thirty-seven. The districts formed shall be of contiguous territory and bounded by county lines. Until the next decennial apportionment, the county of Hamilton shall be entitled to four; and the county of Cuyahoga to two senators; and the other districts to one senator each, and such additional senators for fractional ratios as are provided for in this Article.

**SEC. 5.** When a county shall have a fraction above the ratio so large that multiplied by five, the result will be equal to one or more ratios, additional representatives shall be apportioned for such ratios in the following

manner: If there be only one ratio, a representative shall be allotted to the fifth General Assembly of the decennial period; if two ratios, a representative shall be allotted to the fourth and third General Assemblies; if three, to the third, second and first General Assemblies; if four, to the fourth, third, second and first General Assemblies, respectively.

SEC. 6. The same rules shall be applied in apportioning the fractions of senatorial districts that are applied to the fractions of representative districts, and any senatorial district which may have less than one-half of a senatorial ratio, at any decennial apportionment, shall then be attached to the contiguous district having the least population.

SEC. 7. Any county, forming part of a senatorial district, having a population equal to a full senatorial ratio at any decennial apportionment, shall then be made a separate senatorial district, if a full senatorial ratio be left in the district from which it is taken.

SEC. 8. Until the next decennial apportionment, the assignment of representatives and senators to the several General Assemblies of the decennial period shall be as provided in this Article, and no change shall be made in the principles of representation herein adopted; or in the senatorial districts herein established, except as above provided. All territory belonging to a county at the time of an apportionment shall, as to the right of representation and suffrage, remain an integral part thereof during the decennial period.

SEC. 9. The governor, auditor and secretary of state, or any two of them, shall, at least four months prior to the day fixed for holding the general election for senators or representatives, in the year one thousand eight

hundred and eighty-two, and at each decennial period thereafter, ascertain and determine the ratio of representation, according to the decennial census, and the number of representatives each county or district shall be entitled to elect within the ensuing ten years; and the governor shall cause the same to be published in such manner as may be directed by law.

SEC. 10. The State is hereby divided into thirty-three senatorial districts, as follows:

The county of Hamilton shall be the first district; the counties of Butler and Warren, the second; Preble, Darke and Mercer, the third; Van Wert, Allen, Putnam and Paulding, the fourth; Defiance, Williams, Henry and Fulton, the fifth; Wood and Lucas, the sixth; Hancock, Hardin and Logan, the seventh; Auglaize, Shelby and Miami, the eighth; Montgomery, the ninth; Clermont, Brown and Adams, the tenth; Highland, Ross and Fayette, the eleventh; Clinton, Greene and Clarke, the twelfth; Madison, Champaign, Union and Delaware, the thirteenth; Marion, Morrow and Richland, the fourteenth; Wyandot, Crawford and Seneca, the fifteenth; Sandusky, Ottawa and Erie, the sixteenth; Huron, Lorain and Ashland, the seventeenth; Knox, Coshocton and Licking, the eighteenth; Franklin, the nineteenth; Fairfield, Pickaway and Perry, the twentieth; Pike, Scioto and Lawrence, the twenty-first; Gallia, Jackson and Meigs, the twenty-second; Vinton, Athens, Hocking and Morgan, the twenty-third; Muskingum and Guernsey, the twenty-fourth; Tuscarawas, Holmes and Wayne, the twenty-fifth; Carroll and Stark, the twenty-sixth; Medina, Summit and Portage, the twenty-seventh; Cuyahoga, the twenty-eighth; Geauga, Lake and Ashtabula, the twenty-ninth; Trumbull and Mahon-

ing, the thirtieth; Columbiana and Jefferson, the thirty-first; Harrison, Belmont and Noble, the thirty-second; Monroe and Washington, the thirty-third. For the first decennial period the first district shall be entitled to four senators, the twenty-eighth to two senators, and every other district to one senator in the General Assembly; and the twenty-fifth district to an additional senator in the fifth General Assembly of the decennial period.

SEC. 11. The apportionment for the house of representatives, until the end of the first decennial period, shall be as follows: The county of Hamilton shall be entitled to ten, and the county of Cuyahoga to five representatives in each General Assembly, and shall each be entitled to an additional representative in the fifth General Assembly of the decennial period. The counties of Belmont, Butler, Columbiana, Franklin, Lucas, Montgomery, Muskingum, Stark, Trumbull and Washington shall severally be entitled to two representatives in each General Assembly; and the counties of Franklin and Montgomery each to two additional representatives – one in the third, and one in the fourth General Assembly of the decennial period. The counties of Licking and Ross shall severally be entitled to one representative in each General Assembly, and two additional representatives – one in the third, and one in the fourth General Assembly of the decennial period. The counties of Ashtabula, Brown, Clarke, Clermont, Darke, Fairfield, Lawrence, Meigs, Miami, Mahoning, Richland, Seneca, Summit, Tuscarawas and Wayne shall severally be entitled to one representative in each General Assembly, and one additional representative in the fifth General Assembly of the decennial period.

Every other county shall be entitled to one representative in each General Assembly of the decennial periods.

SEC. 12. In voting for representatives and senators, in counties and districts entitled to more than two, each elector may cast as many votes for one candidate as there are representatives or senators to be elected, or he may distribute the same, or equal parts thereof, among the candidates, as he may see fit, and the candidate receiving the highest number of votes shall be declared elected.

#### ARTICLE XV – JUDICIAL APPORTIONMENT

SECTION 1. The districts of the courts of common pleas, with their several subdivisions shall be as follows:

*First* – The county of Hamilton, with four judges, shall form the first district, and shall not be subdivided.

*Second* – The counties of Clermont, Brown and Adams, with one judge, shall constitute the first subdivision; the counties of Warren, Clinton, Fayette and Highland, with two judges, the second subdivision; and the counties of Greene and Madison, with one judge, the third subdivision of the second district, and together shall form said district.

*Third* – The counties of Butler and Preble, with two judges, shall constitute the first subdivision; the county of Montgomery, with two judges, the second subdivision; and the counties of Miami and Darke, with one judge, the third subdivision of the third district, and together shall form said district.

*Fourth* – The counties of Scioto, Pike and Jackson, with one judge, shall constitute the first subdivision; the counties of Lawrence, Gallia and Meigs, with one judge, the second subdivision; and the counties of Vin-

ton, Athens and Washington, with one judge, the third subdivision of the fourth district, and together shall form said district.

*Fifth* – The counties of Ross and Pickaway, with one judge, shall constitute the first subdivision; the counties of Franklin and Delaware, with two judges, the second subdivision; and the counties of Fairfield, Hocking and Perry, with one judge, the third subdivision of the fifth district, and together shall form said district.

*Sixth* – The counties of Muskingum and Morgan, with one judge, shall constitute the first subdivision; the counties of Guernsey, Noble and Monroe, with one judge, the second subdivision; the counties of Carroll, Harrison and Belmont, with one judge, the third subdivision of the sixth district, and together shall form said district.

*Seventh* – The counties of Knox and Licking, with one judge, shall constitute the first subdivision; the counties of Morrow, Richland, Ashland and Wayne, with two judges, the second subdivision; the counties of Holmes, Coshocton and Tuscarawas, with one judge, the third subdivision of the seventh district, and together shall form said district.

*Eighth* – The county of Stark, with one judge, shall constitute the first subdivision; the counties of Jefferson and Columbiana, with one judge, the second subdivision; the counties of Summit, Portage, Mahoning and Trumbull, with two judges, the third subdivision; and the counties of Ashtabula, Lake and Geauga, with one judge, the fourth subdivision of the eighth district, and together shall form said district.

*Ninth* – The county of Cuyahoga, with three judges, shall constitute the first subdivision; the counties of Me-

dina, Lorain and Huron, with one judge, the second subdivision; the counties of Erie, Sandusky and Ottawa, with one judge, the third subdivision of the ninth district, and together shall form said district.

*Tenth* – The county of Lucas, with two judges, shall constitute the first subdivision; and the counties of Wood, Henry, Fulton and Williams, with one judge, the second subdivision of the tenth district, and together shall form said district.

*Eleventh* – The counties of Mercer, Van Wert, Allen and Auglaize; with one judge, shall constitute the first subdivision; the counties of Defiance, Paulding and Putnam, with one judge, the second subdivision; and the counties of Seneca, Hancock and Hardin, with one judge, the third subdivision of the eleventh district, and together shall form said district.

*Twelfth* – The counties of Clarke and Champaign, with one judge, shall constitute the first subdivision; the counties of Shelby, Logan and Union, with one judge, the second subdivision; and the counties of Marion, Wyandot and Crawford, with one judge, the third subdivision of the twelfth district, and together shall form said district.

SEC. 2. The division of the State into Circuits shall be as follows:

*First* – The county of Hamilton shall constitute the first circuit.

*Second* – The counties of Butler, Preble, Miami, Montgomery, Warren, Clermont, Brown, Adams, Highland, Clinton, Fayette, Greene, Clarke, Madison, Champaign and Union shall constitute the second circuit.

*Third* – The counties of Darke, Shelby, Logan, Mer-

cer, Auglaize, Hardin, Marion, Wyandot, Allen, Van Wert, Paulding, Putnam, Hancock, Seneca, Henry, Defiance, Williams, Fulton and Wood shall constitute the third circuit.

*Fourth* – The counties of Pickaway, Ross, Pike, Scioto, Lawrence, Jackson, Vinton, Hocking, Fairfield, Perry, Athens, Meigs, Gallia, Morgan, Washington and Noble shall constitute the fourth circuit.

*Fifth* – The counties of Franklin, Delaware, Morrow, Crawford, Richland, Ashland, Knox, Licking, Muskingum, Coshocton, Tuscarawas, Holmes and Wayne shall constitute the fifth circuit.

*Sixth* – The counties of Ashtabula, Lake, Geauga, Trumbull, Mahoning, Portage, Stark, Carroll, Columbiana, Jefferson, Belmont, Harrison, Guernsey and Monroe shall constitute the sixth circuit.

*Seventh* – The counties of Cuyahoga, Summit, Medina, Lorain, Huron, Erie, Sandusky, Ottawa and Lucas shall constitute the seventh circuit.

SEC. 3. Any new county, that may be hereafter created, shall be attached to such circuit and district or subdivision thereof, as may be provided by law.

#### ARTICLE XVI – MISCELLANEOUS

SECTION 1. Columbus shall be the seat of government, until otherwise provided by law.

SEC. 2. The printing of the laws, journals, bills, legislative documents and papers for each branch of the General Assembly, with the printing required for the executive and other departments of State, shall be let, on contract, to the lowest responsible bidder, by such executive officers and in such manner as may be prescribed by law.

SEC. 3. An accurate and detailed statement of receipts and expenditures of the public money, the several amounts paid, to whom, and on what account, shall, from time to time, be published, as may be prescribed by law.

SEC. 4. Except as otherwise provided in this Constitution, no person shall be elected to any office, or appointed to fill a vacancy in any elective office, who does not possess the qualifications of an elector.

SEC. 5. No person who may hereafter fight a duel, assist in the same as a second, or send, or accept, or knowingly carry a challenge therefor, shall hold any office in this State.

SEC. 6. No person elected to the General Assembly, or to a convention or commission to revise, alter or amend this Constitution, or elected or appointed to any judicial or lucrative State or county office, shall, from the time of his election or appointment until the end of the term of such office, knowingly accept from a railroad or transportation company any free pass, gift, or commuted service, not offered to the public.

SEC. 7. Every person elected or appointed to any office, before entering upon the discharge of his duties, shall take an oath or affirmation to support the Constitution of the United States and of this State, and also an oath of office.

SEC. 8. Lotteries and the sale of lottery tickets, for any purpose, shall forever be prohibited.

SEC. 9. There may be established in the office of the secretary of state a bureau of statistics, under such regulations as may be prescribed by law.

SEC. 10. The General Assembly, by suitable enactments, shall require such appliances and means to be

provided and used as may be necessary to secure, as far as possible, the lives, health and safety of persons employed in mining; and shall provide for enforcing such enactments by adequate pains and penalties.

#### ARTICLE XVII – AMENDMENTS

SECTION 1. Either branch of the General Assembly may propose amendments to this Constitution; and if the same be agreed to by three-fifths of the members elected to each house, such proposed amendments shall be entered on the journals, with yeas and nays, and published in at least one newspaper in each county, where a newspaper is published, for six months preceding the next election for senators and representatives, at which time the same shall be submitted to the electors, for approval or rejection; and if a majority of the electors, voting at such election, adopt such amendments, the same shall become a part of the Constitution. When more than one amendment is submitted at the same time, they shall be so submitted, as to enable the electors to vote on each amendment separately.

SEC. 2. When three-fifths of the members elected to each branch of the General Assembly deem it necessary to call a convention, to revise, amend or change this Constitution, they shall recommend to the electors to vote, at the next election of members of the General Assembly, for or against a convention; and if a majority of those voting at said election vote for a convention, the General Assembly shall, at its next session, provide, by law for calling the same. The convention shall consist of as many members as the house of representatives, who shall be chosen in the same manner, and shall meet within their election, for the purpose aforesaid. No

amendment or change of this Constitution, agreed upon by such convention, shall take effect until the same has been submitted to the electors of the State, and adopted by a majority of those voting for and against the same.

#### SCHEDULE

**SECTION 1.** This Constitution shall take effect on the first day of October, one thousand eight hundred and seventy-four, and all laws then in force, not inconsistent therewith, shall continue in force until amended or repealed.

**SEC. 2.** The official term of all judges whose offices are created by this Constitution, and of all elective State officers, shall begin on the second Tuesday of January next succeeding their election.

**SEC. 3.** The probate courts provided for in this Constitution shall be the successors of the present probate courts; the courts of common pleas the successors of the present courts of common pleas; and the circuit courts the successors of the present district courts; and all business pending in either of said courts shall be transferred to its successor, and proceed as though no change had been made; and all business pending in the general terms of the superior courts of Cincinnati and Cleveland, on the second Tuesday of January, one thousand eight hundred and seventy-five, shall then be transferred to and proceed in the proper circuit courts, and such general terms shall thenceforth be abolished.

**SEC. 4.** The superior courts for the counties of Greene and Montgomery shall cease to exist the second Tuesday of January, one thousand eight hundred and seventy-five, unless sooner abolished by law; and the business of said courts shall thereupon be transferred to and pro-

ceed in the courts of common pleas of the proper counties. The superior courts of Cincinnati and Cleveland shall continue until otherwise provided by law.

SEC. 5. All officers shall continue in office until their successors are elected or appointed and qualified, and all vacancies in office occurring after the first day of October, one thousand eight hundred and seventy-four, shall be filled in the manner prescribed by law, until officers are elected or appointed and qualified under this Constitution. Until the election and qualification of the superintendent of public works, the members of the board of public works shall continue to discharge the duties of their office and receive the compensation provided by law; and, until otherwise prescribed by law, the said superintendent shall have the powers and perform the duties of said board.

SEC. 6. The governor, and all other State and county officers, and members of the General Assembly, whose successors are by existing laws required to be elected in the year one thousand eight hundred and seventy-five, shall continue in office during the terms now established by law, and until their successors are elected and qualified. The successors to such State and county officers, and the first General Assembly, under this Constitution, shall be elected at a special election, to be held on the Tuesday succeeding the first Monday in November, one thousand eight hundred and seventy-five, and shall serve for one year, and until their successors are elected and qualified; but such General Assembly shall not be counted to effect the allotment of additional members to the house of representatives or the senate, as provided for in this Constitution. Such successors shall be elected on the Tuesday succeeding the first Monday in Novem-

ber, one thousand eight hundred and seventy-six. But this section shall not prevent the General Assembly from abolishing or changing the term or duties of any office not created by the Constitution.

SEC. 7. The first election for judges of the supreme, circuit and common pleas courts, and for all elective state and county officers whose successors, by existing law, would be elected in the present year, and to fill vacancies in the General Assembly, shall be held on the second of October, one thousand eight hundred and seventy-four, and shall be conducted and the returns made and the officers so elected commissioned in the manner now provided by law for the election and commissioning of like officers. The first election for the judges for the courts of probate shall be held at the election for governor, in the year one thousand eight hundred and seventy-six; and all probate judges, in office on the first day of October, one thousand eight hundred and seventy-four, shall continue in office until the second Tuesday of January, one thousand eight hundred and seventy-five; and all common pleas judges in office on the first day of October, one thousand eight hundred and seventy-four, shall continue to serve in their respective districts as now constituted, and until the second Tuesday in January, one thousand eight hundred and seventy-five.

SEC. 8. Where two or three counties are joined in the same election district, the returns of elections shall be sent to the county having, by the latest federal census, the largest population.

SEC. 9. The governor shall, immediately upon the taking effect of this Constitution, appoint a commission, to consist of three persons, whose duty it shall be to re-

vise, rearrange, simplify and abridge the general laws of the State, so that there shall be but one law upon any one subject, and, as far as practicable, prepare notes of the decisions of the supreme court upon each law. Their proceedings shall, from time to time, be reported to the General Assembly, and be subject to the action of that body. The compensation, tenure of office, and mode of filling vacancies, shall be prescribed by law.

SEC. 10. This Constitution shall be submitted to the electors of the State on Tuesday, the eighteenth day of August, one thousand eight hundred and seventy-four, and at the same time there shall be separately submitted to said electors the following propositions:

**PROPOSITION NUMBER ONE – MINORITY  
REPRESENTATION**

“In every election for judges of the supreme and circuit courts, where there are two or more to be chosen of the same court, and for the same term of service, no elector shall vote for a greater number of candidates than a majority of the judges of such court and term then to be chosen.”

If this proposition be adopted, it shall take the place of section three of Article IV of this Constitution, and section twenty of said Article shall thereupon read as follows:

SEC. 20. In case the office of any judge shall become vacant before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the governor until a successor is elected and qualified; and such successor shall be elected for the unexpired term, at the first election for governor, that occurs more than thirty days after the vacancy shall have happened.

**PROPOSITION NUMBER TWO – RAILROAD AID**

"But the General Assembly may, by general laws, authorize any township, city or incorporated village to aid any railroad company in the construction of its road, within this State, subject to the following restrictions, and such others as may be prescribed by law: no subscription, loan or contribution, for such purpose, shall be made, unless authorized at an election held in pursuance of law, by at least two-thirds of all the electors of such township, city or village, to be ascertained in such manner as may be prescribed by law, and subject to the further conditions of section four of Article eleven, when applicable. Nor shall such aid be granted until the township, city or village granting the same shall have adequate security that the road so aided will be completed. At such election, no person shall vote who shall not have resided in the township, city or village, for six months prior thereto. No election shall be held until the part of the road upon which the expenditure is to be made has been located and established, nor oftener than once a year, nor shall aid be voted to more than one railroad at any election. The order for election shall specify all the conditions of such loan, subscription or contribution, the consideration proposed to be given therefor, the estimated cost of the proposed work, the means secured for its completion, and the part of the work on which the proposed subscription, loan or contribution is to be expended. Provision may be made by law for the issue of stock or bonds for the amount of any such subscription or loan; but no township, city, or village, shall be liable for the debts of the company. The obligations of a township, city, or village, incurred for such purpose, shall not

bear a greater interest than seven per centum per annum, nor shall the aggregate thereof at any time exceed five per centum of the value of the property of such township, city, or village, as ascertained by the latest tax duplicate. The aggregate of taxes levied by a township, city, or village, to pay such obligations and interest, shall in no year exceed one per centum of such value."

If this proposition be adopted, it shall be added to and become a part of section six of Article VIII of this Constitution.

#### PROPOSITION NUMBER THREE – TRAFFIC IN INTOXICATING LIQUORS

*For License* – "License for traffic in spirituous, vinous or malt liquors, under such regulations and limitations, as shall be prescribed by law, may be granted; but this section shall not prevent the General Assembly from passing laws to restrict such traffic, and to compensate injuries resulting therefrom."

*Against License* – "No license to traffic in intoxicating liquors shall be granted; but the General Assembly may, by law, restrain or prohibit such traffic, or provide against evils resulting therefrom."

If either of these alternative propositions, "for license," or "against license," be adopted, it shall become section eleven of Article XVI of this Constitution.

SEC. 11. At said election the ballots shall be in the following form:

*New Constitution Ticket* – Erase that part of each vote which you do not favor.

*First Vote* – For the New Constitution.

Against the New Constitution.

*Second Vote* – For Minority Representation.

Against Minority Representation.

*Third Vote* – For Railroad Aid.

Against Railroad Aid.

*Fourth Vote* – For License.

Against License.

If one clause be erased, the other shall be counted.

If both clauses be erased, or neither clause be erased,  
the vote upon that subject shall not be counted.

SEC. 12. The Secretary of State shall, at least thirty days before said election, cause to be delivered to the clerk of the court of common pleas of each county, blank poll books, tally sheets, and forms of returns, sufficient for the use of his county, and, also, five times as many properly prepared printed ballots for said election as there are voters in such county, and, on or before the first day of July next, shall cause this Constitution to be printed in one English and one German weekly newspaper, of each political party, printed in each county, if such paper be printed therein, at a cost, for each paper, of not more than fifty dollars, the expense whereof shall be audited and paid as other public printing, ordered by the secretary of state, is by law required to be audited and paid; and said clerks of court, at least five days before said election, shall cause said blank poll books, and tally sheets, forms of returns and ballots, to be distributed to the judges of election in each election precinct in their respective counties.

SEC. 13. Said election shall be held and conducted at the places, by the officers, and in the manner now by law provided for the election of members of the house of representatives, as far as practicable; and the judges of election shall transmit forthwith the poll books and tally

sheets of said election, containing a certified statement of the number of votes cast for and against this Constitution and for and against each of said propositions, to the clerks of the courts of common pleas of their respective counties, and said clerks shall forthwith make an accurate abstract of the number of votes cast for and against this Constitution and for and against each of said propositions, and the whole number of votes cast at said election in their several counties, and transmit a copy thereof to the secretary of state, and within twenty days after said election, the secretary of state shall open the returns thereof, in the presence of the governor; and if it shall appear that a greater number of votes have been cast for the new Constitution than against it, then the same shall become and be the Constitution of Ohio. If the said Constitution be so adopted, then such of the separately submitted propositions as shall receive an affirmative vote greater than the negative vote thereon shall be declared adopted, and become a part of the Constitution, and such of said propositions as shall fail to receive such affirmative vote shall be declared lost; provided, that a vote against license shall also be deemed and counted as an affirmative vote in favor of the section prohibiting the grant of license; and the governor shall issue his proclamation stating the results of said election.

SEC. 14. Section three of Article XI shall not be operative as to cities and villages, the debt of which already amounts to as much as ten per centum of the tax duplicate, until the first valuation of real estate for taxation, after the adoption of the Constitution.

RUFUS KING, *President.*

Attest: DUDLEY W. RHODES, *Secretary.*

## PROPOSED DOG TAX AMENDMENT, 1875

Proposed by joint resolution of the General Assembly, March 29, 1875. Submitted to electors, October 12, 1875.

Total vote cast . . . . .	595,248
For amendment . . . . .	278,005
Against amendment . . . . .	73,801

Not adopted.

*Resolved by the General Assembly of the State of Ohio*, that an amendment to the Constitution of the state of Ohio be proposed in the following words: Notwithstanding the provisions of the second section of this article, the general assembly shall have power to provide by law, for the assessment of a special tax on dogs without regard to value, and to provide for the confiscation and killing of such animals upon failure or refusal of the owner, keeper or harborer thereof, to pay such special tax.

If this amendment to the Constitution of the state of Ohio shall be adopted by a majority of the electors of the state of Ohio, voting at the next general election holden for the election of senators and representatives, it shall become section seven of the twelfth article of the Constitution of the state of Ohio.<sup>29</sup>

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<sup>29</sup> *Laws of Ohio*, vol. lxxii, 270. — Ed.

## SUPREME COURT COMMISSION AMENDMENT, 1875

Proposed by joint resolution, March 30, 1875. Submitted to electors, October 12, 1875.

Total vote cast . . . . .	595,248
For amendment . . . . .	339,076
Against amendment . . . . .	98,561

Adopted.

*Resolved by the General Assembly of the State of Ohio* (three-fifths of the members elected to each house agreeing thereto), that it be and is hereby proposed to the electors of this state to vote, at the next annual October election, upon the approval or rejection of the following amendment, as an addition to article four of the Constitution of the state of Ohio, to wit:

SEC. 22. [21] A commission, which shall consist of five members, shall be appointed by the governor, with the advice and consent of the Senate, the members of which shall hold office for the term of three years from and after the first day of February, 1876, to dispose of such part of the business then on the dockets of the supreme court as shall, by arrangement between said commission and said court, be transferred to such commission; and said commission shall have like jurisdiction and power in respect to such business as are or may be vested in said court; and the members of said commission shall receive a like compensation for the time being with the judges of said court. A majority of the members of said commission shall be necessary to form

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a quorum or pronounce a decision, and its decision shall be certified, entered, and enforced as the judgments of the supreme court; and at the expiration of the term of said commission all business undisposed of shall by it be certified to the supreme court, and disposed of as if said commission had never existed. The clerk and reporter of said court shall be the clerk and reporter of said commission, and the commission shall have such other attendants, not exceeding in number those provided by law for said court, which attendants said commission may appoint and remove at its pleasure. Any vacancy occurring in said commission shall be filled by appointment of the governor, with the advice and consent of the senate, if the senate be in session; and if the senate be not in session, by the governor; but in such last case, such appointment shall expire at the end of the next session of the General Assembly. The General Assembly may, on application of the supreme court, duly entered on the journal of the court and certified, provide by law, whenever two-thirds of such [each] house shall concur therein, from time to time, for the appointment in like manner of a like commission with like powers, jurisdiction, and duties; provided that the term of any such commission shall not exceed two years, nor shall it be created oftener than once in ten years.

If this amendment shall be adopted by a majority of the electors of the state of Ohio, voting at the next election holden for the election of senators and representatives, it shall become section twenty-two of the fourth article of the Constitution of Ohio.<sup>40</sup>

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<sup>40</sup> *Laws of Ohio*, vol. lxxii, 269. — Ed.

## PROPOSED JUDICIAL CONSTITUTIONAL AMENDMENT, 1877

Proposed by joint resolution of the General Assembly, April 6, 1877. Submitted to the electors, October 9, 1877.

Total vote cast . . . . .	557,503
For amendment . . . . .	54,896
Against amendment . . . . .	268,478

Not adopted.

*Be it resolved by the General Assembly of the State of Ohio* (three-fifths of the members elected to each house concurring therein), that a proposition to amend the Constitution of the state of Ohio, be submitted to the electors of the state, on the second Tuesday of October, A.D. 1877 as follows, to-wit:

That sections one, three, five, six, eight, twelve, fourteen, fifteen, sixteen and eighteen, of article four, be amended so as to read as follows, and section seven of article four, and sections twelve and thirteen of article eleven be repealed.

### ARTICLE IV

SECTION 1. The judicial power of the state shall be vested in a supreme court, in district courts, courts of common pleas, justices of the peace, and such other courts inferior to the supreme court in one or more counties as the general assembly may from time to time establish. The superior courts of Cincinnati and Montgomery County shall continue until otherwise provided by law.

SEC. 3. The court of common pleas shall be holden by one judge, who shall be elected by the voters of the district, and said court shall be open at all times for the transaction of business, Sundays and holidays excepted. Each county now existing, or hereafter formed, shall constitute a separate common pleas district, and each district shall be known by the name of the county composing the district.

SEC. 5. Each district court shall consist of one judge, who shall be elected by the voters of the district. There shall be elected one or more judges in each district, and there shall be held annually, not less than three sessions in each county in the state. The legislature shall divide the state into district court districts, not exceeding twenty in number, and shall assign to each common pleas and district court district, the number of judges required to dispose of the business therein. Each district shall be composed of compact territory, bounded by county lines, and as nearly equal in population as practicable. A concurrence of three-fifths only of all the members elected to both houses shall be required for the first apportionment, or to determine the number of judges required in each district court and common pleas district, under this amendment, but no change shall thereafter be made without the concurrence of two-thirds of all the members elected to both houses. Sections twelve and thirteen of article eleven, are hereby repealed; the repeal to take effect when the legislature makes the apportionment mentioned in this section.

SEC. 6. The district court shall have original jurisdiction with the supreme court, and such appellate jurisdiction as may be provided by law.

SEC. 8. The general assembly may provide by law for

a judge *pro tempore*, to hold any court when the judge thereof is disqualified by sickness or otherwise to hold said court.

SEC. 12. The judges of the district, and courts of common pleas, shall, while in office, reside in the district in which they are elected, and their term of office shall be five years; but the legislature may provide by law that any judge of the common pleas court shall hold that court in any other common pleas district; and that any judge of the district court shall hold that court in any other district for that court than the one in which he resides; and the judges of the common pleas may temporarily exchange districts with each other; and two or more common pleas courts may be held at the same time in the same district, and two or more district courts may be held at the same time in a district of that court.

SEC. 14. The judges of the supreme court, the district courts, and the courts of common pleas shall, at stated times, receive for their services such compensation as may be provided by law, which shall not be increased or diminished during their term of office, but they shall receive no fees or perquisites, nor hold any other office of trust or profit under the authority of any state, or of the United States. All votes for either of them for any elective office, except a judicial office, under the authority of this state, given by the general assembly, or the people, shall be void.

SEC. 15. The general assembly may increase or diminish the number of judges of the supreme court, the number of districts of the district courts, the number of judges in any common pleas or district court district, change any district court district, establish other courts, abolish the probate court in any county, or any other

court established by law, whenever two-thirds of the members elected to each house shall concur therein; but no such change shall vacate the office of any judge. The court of common pleas provided for in this amendment, shall be the successor of the present probate court and courts of common pleas in each county. The district courts herein provided for, shall be the successors of the present district courts; and all books, records, papers and business, in or appertaining to said courts, shall be transferred to their successors under this amendment. The existing probate court is hereby abolished in each county, at the close of the term for which the judge thereof was elected, first occurring after the election of common pleas judges under this amendment, and the clerks in the courts of common pleas and district courts shall be the clerks in the courts herein provided until their successors shall be elected and qualified; but the supreme court shall appoint its own reporter.

SEC. 16. There shall be elected in each county by the electors thereof, one clerk of the court of common pleas, who shall hold the office for the term of three years, and until his successor shall be elected and qualified. He shall by virtue of his office, be clerk of all other courts of record held therein, but the general assembly may provide by law for the election of a clerk with a like term of office, for each or any other of the courts of record, or for the appointment by the supreme court of a clerk for that court.

SEC. 18. The several judges of the supreme court, of the district and common pleas, and such other courts as may be created, shall respectively have and exercise such power and jurisdiction at chambers or otherwise, as may be directed by law.

The term of office of all judges of common pleas and district courts provided for in this amendment, shall commence on the first Monday in January next after making of the apportionment provided for in section five of article four; and the term of office of all judges of the courts of common pleas, in office, who were not elected as judges under this amendment, shall then expire. No change shall be made by this amendment in the supreme court, or in the office or term of any judge thereof. The first election of judges of common pleas and district courts under this amendment shall be held at the general election of state officers next after making said apportionment for district court districts by the legislature, but nothing in this amendment shall be construed to change or alter the Constitution or laws until said apportionment is made. Section seven of article four is hereby repealed, and section twenty-two shall be numbered section seven.<sup>41</sup>

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<sup>41</sup> *Laws of Ohio*, vol. lxxiv, 533. — Ed.

PROPOSED AMENDMENTS FOR CHANGING  
TIME OF ELECTION OF MEMBERS OF  
GENERAL ASSEMBLY, STATE OFFI-  
CERS, AND TERM OF TOWN-  
SHIP TRUSTEES, 1879

Proposed by joint resolution of the General Assembly, April  
12, 1879. Submitted to electors, October 14, 1879.

		Time of election of	Term of
	Senators and Representatives	State Officers	Township Trustees
Total vote cast . . .	670,711	670,711	670,711
For amendment . . .	166,285	162,728	197,223
Against amendment . . .	158,642	155,257	130,455
None adopted.			

*Be it resolved by the General Assembly of the state of Ohio* (three-fifths of the members elected to each house concurring therein), that propositions to amend the Constitution of the state of Ohio be submitted to electors of the state, on the second Tuesday of October, A.D. 1879, as follows, to wit: that section two of article two; section one of article three; and section four of article ten, be so amended as to read as follows:

ARTICLE II

SEC. 2. Senators and representatives shall be elected biennially, by the electors in their respective counties or districts, at a time prescribed by law; their terms of office shall commence on the Tuesday next after the first Monday of January thereafter, and continue two years.

**ARTICLE III**

**SECTION 1.** The executive department shall consist of a governor, lieutenant-governor, secretary of state, auditor, treasurer, and attorney-general, who shall be chosen by the electors of the state, at the place of voting for members of the general assembly, and at a time prescribed by law.

**ARTICLE X**

**SEC. 4.** Township officers shall be elected on the first Monday of April, annually, by the qualified electors of their respective townships, and shall hold their offices for one year from the Monday next succeeding their election, and until their successors are qualified, except township trustees, who shall be elected by the qualified electors in the several townships of the state, on the first Monday of April, A.D. 1880, one to serve for the term of one year, one for two years, and one for three years; and on the first Monday of April in each year thereafter, one trustee shall be elected, to hold the office for three years from the Monday next succeeding his election, and until his successor is qualified.<sup>42</sup>

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<sup>42</sup> *Laws of Ohio*, vol. lxxvi, 316. — ED.

## PROPOSED JUDICIAL CONSTITUTIONAL AMENDMENT, 1879

Proposed by joint resolution of the General Assembly, April 10, 1879. Submitted to electors, October 14, 1879.

Total vote cast . . . . .	670,711
For amendment . . . . .	159,630
Against amendment . . . . .	163,639

Not adopted.

*Be it resolved by the General Assembly of the state of Ohio* (three-fifths of all members elected concurring therein), that a proposition to amend the Constitution of the state of Ohio be submitted to the electors of the state, on the second Tuesday of October, A.D. 1879, as follows, to wit: that sections three and five of article four, entitled "Judicial," be amended so as to be and read as follows:

SEC. 3. The state shall be divided into nine common pleas districts, of which the county of Hamilton shall constitute one, which districts shall be of compact territory, bounded by county lines, and said districts, other than said county of Hamilton, shall, without division of counties, be further divided into subdivisions, in each of which, and in said county of Hamilton, there shall be elected by the electors thereof, respectively, at least one judge of the court of common pleas for the district and residing therein. Courts of common pleas shall be held by one or more judges in every county of the district, as often as may be provided by law, and more than

one court or sitting thereof may be held at the same time in each district.

SEC. 5. In each district there shall be elected by the electors at large, by the electors of such district, one judge of the district court, by whom the district courts in such district shall be held, and he shall receive such compensation as may be provided by law. District courts shall be held in each county at least once in every year. The general assembly may increase the number of districts, and may provide for having a judge *pro tempore*, to hold any court whenever necessary by reason of the failure, disqualification, absence, or sickness of any judge, and the amount of pay allowed a judge *pro tempore* may be deducted from the salary of any judge whose default causes the necessity of having a *pro tempore* judge. The times of holding common pleas and district courts shall be fixed by law, but the general assembly may authorize the judges of said courts, respectively, to fix the times of the holding of said courts.

At said election the voters desiring to vote in favor of this amendment shall have placed upon their ballots the words, "Judicial constitutional amendment – Yes;" and the voters who do not favor the adoption of said amendment may have placed upon their ballots the words, "Judicial constitutional amendment – No;" and if a majority of all the votes cast at said election be in favor of said amendment, then said sections three and five herein specified, shall be and constitute the sections so numbered in the said "Judicial" article of the Constitution of the state of Ohio; and said original sections three and five shall be repealed.<sup>48</sup>

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<sup>48</sup> *Laws of Ohio*, vol. lxxvi, 315. – Ed.

**PROPOSED REGULATION AND TAXATION  
OF LIQUOR TRAFFIC AMENDMENT  
(First Proposition), 1883**

**PROPOSED PROHIBITION OF INTOXICATING LIQUORS AMENDMENT  
(Second Proposition), 1883**

Proposed by joint resolution of the General Assembly, April 4, 1883. Submitted to electors, October 9, 1883.

**FIRST PROPOSITION      SECOND PROPOSITION**

Total vote cast	721,310	721,310
For amendment	99,238	323,129
Against amendment	288,605	226,595

Neither proposition adopted.

*Be it resolved by the General Assembly of the State of Ohio, that at the general election to be held on the second Tuesday of October, 1883, there shall be submitted to the electors for their approval or rejection two propositions to amend the Constitution of the state, as follows:*

**FIRST PROPOSITION**

“The additional section” in and with section eighteen of the schedule shall be repealed, and there shall be substituted for it the following:

“The general assembly shall regulate the traffic in intoxicating liquors so as to provide against the evils resulting therefrom; and its power to levy taxes or assessments thereon is not limited by any provision of this Constitution.”

**SECOND PROPOSITION**

**"The additional section" in and with section eighteen of the schedule shall be repealed, and there shall be substituted for it the following:**

**"The manufacture of and traffic in intoxicating liquors to be used as a beverage are forever prohibited; and the general assembly shall provide by law for the enforcement of this provision."**

The electors voting in favor of the first of said propositions shall have on their ballots the words, "Regulation and Taxation of Liquor Traffic - Yes;" and those voting in favor of said second proposition shall have on their ballots the words "Prohibition of Intoxicating liquors - Yes."

If either of the two propositions be thus approved by a majority of the electors voting at said election, then the amendment therein proposed shall constitute a separate section of article fifteen of the Constitution.<sup>44</sup>

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<sup>44</sup> *Laws of Ohio*, vol. lxxx, 384. - Ed.

## JUDICIAL CONSTITUTIONAL AMENDMENT, 1883

Proposed by joint resolution of the General Assembly, March 30, 1883. Submitted to the electors, October 9, 1883.

Total vote cast . . . . .	721,310
For amendment . . . . .	400,919
Against amendment . . . . .	144,335

Adopted.

*Be it resolved by the General Assembly of the State of Ohio* (three-fifths of the members elected to each house agreeing thereto), that a proposition to amend the Constitution of the state of Ohio be and the same is hereby submitted to the electors of this state at the election to be held on the second Tuesday of October, A.D. 1883, as follows: That sections one, two, and six of article four, entitled "Judicial," be so amended as to read as follows:

### ARTICLE IV – JUDICIAL

SECTION 1. The judicial power of the state is vested in a supreme court, circuit courts, courts of common pleas, courts of probate, justices of the peace, and such other courts inferior to the supreme court as the General Assembly may, from time to time establish.

SEC. 2. The supreme court shall, until otherwise provide[d] by law, consist of five judges, a majority of whom competent to sit shall be necessary to form a quorum or to pronounce a decision, except as hereinafter provided. It shall have original jurisdiction in quo warranto, mandamus, habeas corpus and procedendo, and such appellate juris-

diction as may be provided by law. It shall hold at least one term in each year at the seat of government, and such other terms, there or elsewhere, as may be provided by law. The judges of the supreme court shall be elected by the electors of the state at large, for such term, not less than five years, as the General Assembly may prescribe, and they shall be elected and their official term shall begin at such time as may be fixed by law. In case the General Assembly shall increase the number of such judges, the first term of each of such additional judges shall be such, that in each year after their first election, an equal number of judges of the supreme court shall be elected, except in elections to fill vacancies; and whenever the number of such judges shall be increased, the General Assembly may authorize such court to organize divisions thereof, not exceeding three, each division to consist of an equal number of judges; for the adjudication of cases, a majority of each division shall constitute a quorum, and such an assignment of the cases to each division may be made as such court may deem expedient, but whenever all the judges of either division hearing a case shall not concur as to the judgment to be rendered therein, or whenever a case shall involve the constitutionality of an act of the General Assembly or of an act of congress, it shall be reserved to the whole court for adjudication. The judges of the supreme court in office when this amendment takes effect, shall continue to hold their offices until their successors are elected and qualified.

SEC. 6. The circuit court shall have like original jurisdiction with the supreme court, and such appellate jurisdiction as may be provided by law. Such courts shall be composed of such number of judges as may be pro-

vided by law, and shall be held in each county at least once in each year. The number of circuits, and the boundaries thereof, shall be prescribed by law. Such judges shall be elected in each circuit by the electors thereof, and at such time and for such term as may be prescribed by law, and the same number shall be elected in each circuit. Each judge shall be competent to exercise his judicial powers in any circuit. The General Assembly may change, from time to time, the number of boundaries of the circuits. The circuit courts shall be the successors of the district courts, and all cases, judgments, records, and proceedings pending in said district courts, in the several counties of any district, shall be transferred to the circuit courts in the several counties, and be proceeded in as though said district courts had not been abolished, and the district courts shall continue in existence until the election and qualification of the judges of the circuit court.

*And be it further resolved*, that at said election, the voters desiring to vote in favor of said amendment, shall have placed upon their ballots the words, "Judicial Constitutional Amendment - Yes;" and the voters who do not favor the adoption of said amendment, may have placed upon their ballots the words, "Judicial Constitutional Amendment - No;" and if a majority of all the votes cast at said election shall be in favor of said amendment, then said sections one, two and six herein set forth shall be and constitute the sections so amended and said judicial article (four) of the Constitution of the state of Ohio, and said original sections one, two and six, and also sections five and eleven of said article shall be repealed and annulled.<sup>45</sup>

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<sup>45</sup> *Laws of Ohio*, vol. lxxx, 382. — Ed.

## AMENDMENT CHANGING FALL ELECTION TO NOVEMBER, 1885

(Submitted as three separate propositions)

Proposed by joint resolution of the General Assembly, March  
25, 1885. Submitted to electors, October 13, 1885.

	FIRST PROPOSITION	SECOND PROPOSITION	THIRD PROPOSITION
	Election of Senators and Representatives	Election of State Officers	Election of County Officers
Total vote	733,967	733,967	733,967
For amend.	538,858	536,273	534,660
Against	53,177	53,223	53,629

All adopted.

*Be it resolved by the General Assembly of the State of Ohio, that propositions to amend section two of article two, section one of article three, and section two of article ten of the Constitution of Ohio, shall be submitted to the electors of this state, on the second Tuesday of October, A.D. 1885, to read as follows:*

### ARTICLE II

SEC. 2. Senators and representatives shall be elected biennially by the electors of the respective counties or districts, on the first Tuesday after the first Monday in November; their term of office shall commence on the first day of January next thereafter, and continue two years.

### ARTICLE III

SECTION 1. The executive department shall consist of a governor, lieutenant-governor, secretary of state, auditor of state, treasurer of state, and attorney-general, who

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shall be elected on the first Tuesday after the first Monday of November, by the electors of the state and at the places of voting for members of the general assembly.

ARTICLE X

SEC. 2. County officers shall be elected on the first Tuesday after the first Monday in November, by the electors of each county, in such manner and for such term, not exceeding three years, as may be provided by law.<sup>48</sup>

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<sup>48</sup> *Laws of Ohio*, vol. lxxxii, 449. — ED.

## CONSTITUTIONAL AMENDMENT – TOWNSHIP OFFICERS, 1885

Proposed by joint resolution of the General Assembly, April 9, 1885. Submitted to electors, October 13, 1885.

Total vote cast . . . . .	733,967
For amendment . . . . .	469,113
Against amendment . . . . .	59,929

Adopted.

*Be it resolved by the General Assembly of the State of Ohio* (three-fifths of all members elected to each house concurring therein), that there shall be submitted to the electors of the state, on the second Tuesday of October, A.D. 1885, a proposition to amend section four of article ten of the Constitution of the state, so as to read as follows:

SEC. 4. Township officers shall be elected by the electors of each township at such time, and in such manner, and for such term, not exceeding three years, as may be provided by law; but shall hold their offices until their successors are elected and qualified."

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<sup>47</sup> *Laws of Ohio*, vol. lxxxii, 449. – Ed.

## PROPOSED AMENDMENT GIVING GENERAL ASSEMBLY POWER OVER TAXATION, 1889

Proposed by joint resolution of the General Assembly, January 8, 1889. Submitted to electors, November 5, 1889.

Total vote cast . . . . .	780,304
For amendment . . . . .	245,438
Against amendment . . . . .	273,268
Not adopted.	

### AMENDMENT NO. I

*SECTION I. Be it resolved by the General Assembly of the State of Ohio,* that a proposition shall be submitted to the electors of the state, on the first Tuesday after the first Monday in November, 1889, to amend section 2, of article XII, of the Constitution of the state of Ohio, so that it shall read as follows:

### ARTICLE XII

SEC. 2. The general assembly shall provide for the raising of revenue for the support of the state and local governments; but taxes shall be uniform on the same class of subjects. Burying grounds, public school houses, houses used exclusively for public worship, institutions of purely public charity, public property used exclusively for any public purpose, and personal property to an amount not exceeding in value two hundred dollars for each individual, may, by general laws, be exempted from taxation; and the value of all property

so exempted shall, from time to time, be ascertained and published, as may be directed by law.

SEC. 2. At such election those electors desiring to vote for such amendment may have placed upon their ballots the words "Taxation amendment – Yes," and those opposed to such amendment may have placed upon their ballots the words "Taxation amendment – No."

SEC. 3. This amendment shall take effect on the first day of January, 1890.<sup>48</sup>

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<sup>48</sup> *Laws of Ohio*, vol. lxxxvi, 726. — Ed.

## PROPOSED SINGLE LEGISLATIVE DISTRICT AMENDMENT, 1889

Proposed by joint resolution of the General Assembly, January 8, 1889. Submitted to electors, November 5, 1889.

Total vote cast . . . . .	780,304
For amendment . . . . .	245,444
Against amendment . . . . .	259,420
Not adopted.	

### AMENDMENT NO. 2

SECTION 1. *Be it resolved by the General Assembly of the State of Ohio*, that a proposition shall be submitted to the electors of this state on the first Tuesday after the first Monday of November, 1889, to amend sections 1 to 11, inclusive, of article XI, of the Constitution of the state of Ohio, so they shall read as follows:

### ARTICLE XI

SECTION 1. The apportionment for members of the general assembly shall be made every ten years, prior to the first election for members of the general assembly in each decennial period, in the manner herein provided.

SEC. 2. During the month of February prior to the first election for members of the general assembly, in each decennial period, the members of the senate and house of representatives representing the two leading political parties respectively, shall meet in separate bodies, and each of said bodies shall designate two electors, who shall forthwith be appointed by the governor,

and such four electors so designated and appointed shall constitute a commission, who shall ascertain and determine the ratio of representation for members of the house of representatives and senators, the number of representatives to which each county is entitled, and the boundaries of each senatorial district. Should any vacancy occur in such commission, the senators of the party making the original designation shall, within ten days thereafter, designate an elector to fill such vacancy, and he shall forthwith be appointed by the governor.

SEC. 3. The population of the state, as ascertained by the preceding federal census, or in such other manner as the general assembly shall direct, shall be divided by the number "one hundred and ten," and the quotient shall be the ratio of representation in the house of representatives for the ten years succeeding such apportionment.

SEC. 4. Each county shall be entitled to at least one representative; each county containing such ratio, and one-half over, shall be entitled to two representatives; each county containing two and one-half times such ratio shall be entitled to three representatives, and so on.

SEC. 5. Each county entitled to more than one representative shall be divided by such commission into as many districts as there are representatives apportioned to such county; and one representative shall be chosen from each district.

SEC. 6. Each representative district, in counties entitled to more than one representative, shall be composed of compact territory, bounded by ward or township lines, and as nearly equal in population as practicable; and each of such districts shall be numbered.

SEC. 7. The state shall be divided into not less than

thirty-five nor more than forty senatorial districts, as herein provided, and each district shall choose one senator.

SEC. 8. The ratio for a senator shall be ascertained by dividing the population of the state by the number "thirty-five."

SEC. 9. Each senatorial district shall be composed of compact territory, as nearly equal in population as practicable, and except as to districts in counties entitled to two or more senators, shall be bounded by county lines.

SEC. 10. Each county having a population equal to three-fourths of one senatorial ratio shall constitute a senatorial district. Each county having a population equal to one senatorial ratio, and one-half over, shall be divided into two senatorial districts. Each county having a population equal to two and one-half ratios shall be divided into three senatorial districts, and so on; but no ward or township shall be divided in the formation of a senatorial district.

SEC. 11. The apportionment so made for members of the general assembly shall be reported to the governor, by such commission, within three months after their appointment, and the same shall be published in such manner as shall be provided by law.

SECTION 2. At such election those electors desiring to vote for such amendment shall have placed upon their ballots the words "Legislative single district - Yes," and those opposed to such amendment shall have placed upon their ballots the words "Legislative single district - No." <sup>49</sup>

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<sup>49</sup> *Laws of Ohio*, vol. lxxxvi, 724. - Ed.

and such four electors so designated and appointed shall constitute a commission, who shall ascertain and determine the ratio of representation for members of the house of representatives and senators, the number of representatives to which each county is entitled, and the boundaries of each senatorial district. Should any vacancy occur in such commission, the senators of the party making the original designation shall, within ten days thereafter, designate an elector to fill such vacancy, and he shall forthwith be appointed by the governor.

SEC. 3. The population of the state, as ascertained by the preceding federal census, or in such other manner as the general assembly shall direct, shall be divided by the number "one hundred and ten," and the quotient shall be the ratio of representation in the house of representatives for the ten years succeeding such apportionment.

SEC. 4. Each county shall be entitled to at least one representative; each county containing such ratio, and one-half over, shall be entitled to two representatives; each county containing two and one-half times such ratio shall be entitled to three representatives, and so on.

SEC. 5. Each county entitled to more than one representative shall be divided by such commission into as many districts as there are representatives apportioned to such county; and one representative shall be chosen from each district.

SEC. 6. Each representative district, in counties entitled to more than one representative, shall be composed of compact territory, bounded by ward or township lines, and as nearly equal in population as practicable; and each of such districts shall be numbered.

SEC. 7. The state shall be divided into not less than

thirty-five nor more than forty senatorial districts, as herein provided, and each district shall choose one senator.

SEC. 8. The ratio for a senator shall be ascertained by dividing the population of the state by the number "thirty-five."

SEC. 9. Each senatorial district shall be composed of compact territory, as nearly equal in population as practicable, and except as to districts in counties entitled to two or more senators, shall be bounded by county lines.

SEC. 10. Each county having a population equal to three-fourths of one senatorial ratio shall constitute a senatorial district. Each county having a population equal to one senatorial ratio, and one-half over, shall be divided into two senatorial districts. Each county having a population equal to two and one-half ratios shall be divided into three senatorial districts, and so on; but no ward or township shall be divided in the formation of a senatorial district.

SEC. 11. The apportionment so made for members of the general assembly shall be reported to the governor, by such commission, within three months after their appointment, and the same shall be published in such manner as shall be provided by law.

SECTION 2. At such election those electors desiring to vote for such amendment shall have placed upon their ballots the words "Legislative single district - Yes," and those opposed to such amendment shall have placed upon their ballots the words "Legislative single district - No." "<sup>49</sup>

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<sup>49</sup> *Laws of Ohio*, vol. lxxxvi, 724. - Ed.

## PROPOSED BIENNIAL ELECTIONS AMENDMENT, 1889

Proposed by joint resolution of the General Assembly, January 8, 1889. Submitted to electors, November 5, 1889.

Total vote cast . . . . .	780,304
For amendment . . . . .	257,662
Against amendment . . . . .	254,215

Not adopted.

### AMENDMENT NO. 4

*SECTION 1. Be it resolved by the General Assembly of the State of Ohio,* that propositions shall be submitted to the electors of this state on the first Tuesday after the first Monday in November, 1889, to amend section 25 of Article II, section 18 of Article III, sections 2, 6, 7, 9, 10, 12, 13 and 16, and to create section 11 of Article IV, section 12, of Article VIII, sections 2 and 4 of Article X, and section 3 of Article XVI, of the Constitution of the state of Ohio, so they shall read as follows:

#### ARTICLE II

SEC. 25. The regular session of each general assembly shall commence on the first Monday of January next after it is chosen.

#### ARTICLE III

SEC. 18. Whenever the office of secretary of state, auditor of state, treasurer of state, or attorney-general becomes vacant, for any of the causes mentioned in section 15 of this article, the governor shall fill the vacancy

by appointment for the residue of the term, or until the disability is removed.

#### ARTICLE IV

SEC. 2. The supreme court shall, until otherwise provided by law, consist of five judges, a majority of whom, competent to sit, shall be necessary to form a quorum or pronounce a decision, except as herein provided. It shall have original jurisdiction in quo warranto, mandamus, habeas corpus, and procedendo, and appellate jurisdiction as may be provided by law. The judges of the supreme court shall be elected by the electors of the state at large, and for such term of even years as may be provided by law. Whenever the number of such judges is increased, the general assembly may authorize the court to organize divisions thereof, not exceeding three, each division to consist of an equal number of judges; and such an assignment of cases shall be made to each division as a majority of all the judges may direct. A majority of each division shall be necessary to form a quorum; but whenever all the judges hearing a case in any division shall not concur in a decision, or whenever a case involves the constitutionality of a statute, or the construction of the Constitution of this state or of the United States, it shall be reserved to the whole court for decision.

SEC. 6. The state shall be divided into judicial circuits of compact territory, bounded by county lines, in each of which the same number of circuit judges, residing therein, shall be elected by the electors thereof and for such term of even years as may be provided by law. The circuit court shall be composed of such number of judges as may be provided by law, and shall be held in each

county at least once in each year; and more than one court may be held at the same time in any circuit. A circuit judge may be assigned to hold court in any circuit. The circuit court shall have the same original jurisdiction as the supreme court, and such appellate jurisdiction as may be provided by law.

SEC. 7. A probate court shall be established in each county, which shall be a court of record, open at all times, and held by one judge, elected by the electors of the county, whose term of office shall be four years, and who shall receive such compensation, payable out of the county treasury, or by fees, or both as may be provided by law.

SEC. 9. Justices of the peace shall be elected by the electors in each township, on the first Tuesday after the first Monday in November in the odd years, and their powers and duties shall be prescribed by law. Their terms of office shall be four years, and shall commence on the first day of January next after their election. Vacancies occurring in the office shall be filled by appointment until the first day of January after the next election for township officers.

SEC. 10. All judges, other than those provided for in this Constitution, shall be elected by the electors of the judicial district for which they may be created, but not for a longer term than six years.

SEC. 11. The judges of the several courts provided for in this Constitution shall be elected in the even years, on the first Tuesday after the first Monday in November, and their terms of office, whether chosen for a full term, or to fill a vacancy, shall commence on the first day of January next after their election.

SEC. 12. The judges of the common pleas court shall

reside, while in office, in the district from which they are elected, and their term of office shall be six years.

SEC. 13. Whenever the office of a judge of any court provided for in this Constitution becomes vacant before the expiration of the term for which he was elected, the governor shall fill the vacancy by appointment until a successor is elected and qualified; and such successor shall be chosen for the unexpired term, at the first election for members of the general assembly held more than thirty days after the vacancy occurs.

SEC. 16. The clerk of the common pleas court of each county shall, by virtue of his office, be clerk of all the courts of record therein, except the supreme court; but the general assembly may authorize the judges of the probate court to perform the duties of clerk of such court.

#### ARTICLE VIII

SEC. 12. So long as the state shall have public works which require superintendence, there shall be a board of public works, to consist of three members, and whose term of office shall be for such number of even years as may be provided by law.

#### ARTICLE X

SEC. 2. County officers shall be elected in the even years, on the first Tuesday after the first Monday in November, by the electors of each county, in such manner, and for such term of even years, as may be provided by law. When a vacancy occurs in a county office it shall be filled by appointment for the remainder of the term.

SEC. 4. Township officers, and elective municipal officers, shall be elected in the odd years, on the first

Tuesday after the first Monday in November, by the electors of each township or municipality, in such manner, and for such term of even years, as may be provided by law. When a vacancy occurs in a township or municipal office it shall be filled by appointment for the remainder of the term.

#### ARTICLE XVI

SEC. 3. At the general election to be held in the year one thousand eight hundred and ninety-two, and in each twentieth year thereafter, the question "Shall there be a convention to revise, alter, or amend the Constitution?" shall be submitted to the electors of the state, and, in case a majority of the electors voting at such election decide in favor of a convention, the general assembly, at its next session, shall provide, by law, for the election of delegates, and the assembling of such convention, as is provided in the preceding section; but no amendment to this Constitution, agreed upon by any convention assembled in pursuance of this article, shall take effect until the same shall have been submitted to the electors of the state, and adopted by a majority of those voting thereon.

#### SCHEDULE

SEC. 2. The governor, lieutenant-governor, treasurer of state, and attorney-general, chosen on the first Tuesday after the first Monday in November, 1889, shall hold their offices until the second Monday in January, 1893; and the members of the sixty-ninth general assembly shall hold their offices until the first day of January, 1893. The term of office of the auditor of state in office when this amendment takes effect shall terminate on the second Monday in January, 1893.

SEC. 3. The terms of office of the judges of the supreme court which would, but for this amendment, have terminated on the ninth day of February, in the years 1891, 1892, 1893, 1894, 1895, 1896, 1897, and 1898, shall, respectively, terminate on the first day of January, in the years 1891, 1893, 1895, 1897, 1899, 1901, 1903, and 1905; and their respective successors shall be chosen on the first Tuesday after the first Monday in November preceding the expiration of their terms of office.

SEC. 4. The terms of office of the several judges of the circuit court which would, but for this amendment, have terminated on the ninth day of February, in the years 1891, 1893, and 1895, shall, respectively, terminate on the first day of January, in the years 1891, 1893, and 1895; and their respective successors shall be chosen on the first Tuesday after the first Monday in November preceding the expiration of their terms of office.

SEC. 5. The present terms of office of the several judges of the probate court shall terminate on the first day of January, 1891, and their successors shall be chosen on the first Tuesday after the first Monday in November, 1890.

SEC. 6. The terms of office of the several judges of the common pleas court in office when this amendment takes effect shall terminate on the first day of January of the odd year, and those of the superior courts in the even year, nearest the time when their respective terms of office would, but for this amendment, have terminated; and their respective successors shall be chosen on the first Tuesday after the first Monday in November preceding the expiration of their respective terms of office.

SEC. 7. The judges of the several courts, and all state, county, township, and municipal officers, in office

when this amendment takes effect, shall continue in office until their successors are elected and qualified.

SEC. 8. At such election those electors desiring to vote for such amendment may have placed upon their ballots the words "Biennial elections - Yes," and those opposed to such amendment may have placed upon their ballots the words "Biennial elections - No." <sup>50</sup>

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<sup>50</sup> *Laws of Ohio*, vol. lxxxvi, 728. — ED.

## PROPOSAL TO HOLD A CONSTITUTIONAL CONVENTION, 1891

Proposed by an act of the General Assembly of the State of Ohio, March 6, 1891. Submitted to the electors, November 3, 1891.

Total vote cast . . . . .	803,328
For convention . . . . .	99,789
Against convention . . . . .	161,722
Not adopted.	

*SECTION 1. Be it enacted by the General Assembly of the State of Ohio,* that the question, "Shall there be a convention to revise, alter or amend the Constitution?" of this state, shall be submitted to the electors thereof, at the general election to be held therein on the first Tuesday after the first Monday in November, A.D., 1891; notice thereof shall be given by sheriffs in their proclamations, required by law to be made of such elections, and those voting at said election in favor of such convention, shall have put on their ballots the words, "Constitutional Convention – Yes," and those voting thereat against such convention the words, "Constitutional Convention – No."

*SEC. 2. That the judges of election, at such election in every voting precinct, shall cause the votes received therein in favor of such convention, to be entered in a separate column in the poll-books, under the caption, "Constitutional Convention – Yes," and those therein against such convention, in a separate column likewise, under the caption, "Constitutional Convention – No;"*

and they shall transmit the same, with the returns of the votes for state and county officers, to the clerks of the courts of common pleas of their respective counties.

SEC. 3. That said clerks shall include in the general abstracts of votes required to be transmitted by them to the secretary of state and president of the senate, respectively, a statement of the number of votes given in their several counties in favor of and also against such convention, together with a statement of the whole number of electors voting therein at said election; and said president of the senate, at the time and place of publishing the returns of said election, as provided by section three, article 3, of the Constitution, shall publish and declare the result of the vote for and against such convention, and also the number of electors voting in the state at said election returned as aforesaid.

SEC. 4. This act shall take effect on its passage.<sup>51</sup>

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<sup>51</sup> *Laws of Ohio*, vol. lxxxviii, 84.—ED.

## PROPOSED TAXATION AMENDMENT, 1891

Proposed by joint resolution of the General Assembly, April 24, 1891. Submitted to the electors, November 3, 1891.

Total vote cast . . . . .	803,328
For amendment . . . . .	303,177
Against amendment . . . . .	65,014

Not adopted.

*SECTION 1. Be it resolved by the General Assembly of Ohio,* that a proposition shall be submitted to the electors of this state on the first Tuesday after the first Monday in November, 1891, to amend section 2, of article XII, of the Constitution of the State of Ohio, so that it shall read as follows:

### ARTICLE XII

SEC. 2. Laws may be passed which shall tax by a uniform rule all moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise; and all real and personal property according to the true value thereof in money. In addition thereto, laws may be passed taxing rights, privileges, franchises, and such other subject matter as the legislature may direct; but burying-grounds, public school-houses, houses used exclusively for public worship, institutions of purely public charity, public property used exclusively for any public purpose, and other property, may, by general laws, be exempted from taxation; and the value of all property so exempted shall, from time to time, be ascertained and published as may be directed by law.

SEC. 2. At such election, those electors desiring to vote for such amendment may have placed upon their ballots the words, "Taxation amendment – Yes," and those opposed to such amendment may have placed upon their ballots the words, "Taxation amendment – No."

SEC. 3. This amendment shall take effect on the first day of January, 1892.<sup>52</sup>

<sup>52</sup> *Laws of Ohio*, vol. lxxxviii, 935. – Ed.

## PROPOSED AMENDMENT MAKING REPRESENTATION BY SINGLE DISTRICT, 1893

Proposed by joint resolution of the General Assembly, April 22, 1893. Submitted to electors, November 7, 1893.

Total vote cast . . . . .	835,604
For amendment . . . . .	322,887
Against amendment . . . . .	81,481

Not adopted.

*SECTION 1. Be it resolved by the General Assembly of the State of Ohio,* that a proposition shall be submitted to the electors of this state on the first Tuesday after the first Monday in November, 1893, to amend sections 1 to 11, inclusive, of article XI, of the Constitution of the state of Ohio, so they shall read as follows:

### ARTICLE XI

**SECTION 1.** The apportionment for members of the general assembly shall be made every ten years, prior to the first election for members of the general assembly in each decennial period, in the manner herein provided.

**SEC. 2.** During the month of February, prior to the first election for members of the general assembly after the passage of this act and in each decennial period, the members of the senate and house of representatives representing the two leading political parties, respectively, shall meet in separate bodies, and each of said bodies shall designate two electors who shall forthwith be appointed by the governor; and said four electors so designated and appointed shall constitute a commission who

shall ascertain and determine the ratio of representation for members of the house of representatives and senators, the number of representatives to which each county is entitled and the boundaries of each senatorial district. Should any vacancy occur in said commission the senators of the party making the original designation shall, within ten days thereafter designate an elector to fill such vacancy, and he shall forthwith be appointed by the governor.

SEC. 3. The population of the state as ascertained by the preceding federal census, or in such other manner as the general assembly shall direct, shall be divided by the number "one hundred" and the quotient shall be the ratio of representation in the house of representatives for the ten years succeeding such apportionment.

SEC. 4. Each county shall be entitled to at least one representative; each county containing such ratio, and three-fourths over, shall be entitled to two representatives; each county containing three times such ratio shall be entitled to three representatives, and so on.

SEC. 5. Each county entitled to more than one representative shall be divided by such commission into as many districts as there are representatives apportioned to such county; and one representative shall be chosen from each district.

SEC. 6. Each representative district, in counties entitled to more than one representative, shall be composed of compact territory, bounded by election precinct lines, and as nearly equal in population as practicable; and each of such districts shall be numbered.

SEC. 7. The ratio for a senator shall be ascertained by dividing the population of the state by the number "thirty-five."

SEC. 8. The state shall be divided into senatorial districts, as herein provided, and each district shall choose one senator.

SEC. 9. Each senatorial district shall be composed of compact territory, as nearly equal in population as practicable, and except as to districts in counties entitled to two or more senators, shall be bounded by county lines.

SEC. 10. Each county having a population equal to three-fourths of one senatorial ratio shall constitute a senatorial district. Each county having a population equal to one senatorial ratio, and one-half over, shall be divided into two senatorial districts. Each county having a population equal to two and one-half ratios shall be divided into three senatorial districts, and so on; but no election precinct shall be divided in the formation of a senatorial district.

SEC. 11. The apportionment so made for members of the general assembly shall be reported to the governor, by such commission, within two months after their appointment, and the same shall be published in such manner as shall be provided by law.

SECTION 2. At such election, those electors desiring to vote for such amendment may have placed upon their ballots the words "Representation by single districts – Yes;" and those opposed to such amendment may have placed upon their ballots the words "Representation by single districts – No."

SECTION 3. This amendment shall take effect on the fifteenth day of December, 1893; and any provision of the Constitution in conflict therewith is repealed."<sup>68</sup>

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<sup>68</sup> *Laws of Ohio*, vol. xc, 382.—Ed.

## PROPOSED AMENDMENT TAXING FRANCHISES AND PRIVILEGES, 1893

Proposed by joint resolution of the General Assembly, April 22, 1893. Submitted to the electors, November 7, 1893.

Total vote cast . . . . .	835,604
For amendment . . . . .	322,422
Against amendment . . . . .	82,281

Not adopted.

*SECTION I. Be it resolved by the General Assembly of the State of Ohio,* that a proposition shall be submitted to the electors of this state, on the first Tuesday after the first Monday of November, 1893, to amend section 2, article XII, of the Constitution of the state of Ohio, so that it shall read as follows:

### ARTICLE XII

**SEC. 2.** Laws may be passed which shall tax by a uniform rule all moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise; and all real and personal property according to the true value thereof in money. In addition thereto, laws may be passed taxing rights, privileges, franchises, and such other subject matters as the general assembly may direct; but burying grounds, public school-houses, houses used exclusively for public worship, institutions of purely public charity, public property used exclusively for any public purpose, and other property, may, by general laws, be exempted from taxation; and the value of all property so exempted shall, from time to time, be ascertained and published as may be directed by law.

**SECTION 2.** At such election, those electors desiring to vote for such amendment may have placed upon their ballots the words, "Amendment taxing franchises and privileges – Yes," and those opposed to such amendment may have placed upon their ballots the words, "Amendment taxing franchises and privileges – No."

**SECTION 3.** This amendment shall take effect on the first day of January, 1894.<sup>\*\*</sup>

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<sup>\*\*</sup> *Laws of Ohio*, vol. xc, 384. – ED.

## **PROPOSAL TO HOLD A CONSTITUTIONAL CONVENTION, 1898**

Proposed by joint resolution of the General Assembly, April 16, 1896. Not submitted to the electors of the state because the Supreme Court decided it was defective in construction.<sup>65</sup>

**RESOLVED** by the General Assembly of the State of Ohio, two-thirds of the members elected to each branch concurring, that it is necessary to call a convention to revise, amend or change the Constitution of this state, and we recommend to the electors to vote at the next election for members of the general assembly, to be held on the first Tuesday after the first Monday in November, A.D. 1897, for or against such a convention, to be convened in the year 1898. The deputy state supervisors of election are authorized to have printed on all official ballots under each party emblem the words "Constitutional convention - Yes," and the words "Constitutional convention - No." When the words above are printed upon the official ballot, the choice of the elector in the affirmative may be expressed by a cross mark in the circular space above the name of the party, in the manner of voting a straight ticket, and all tickets having a cross mark in such space shall be counted in the affirmative, or such affirmative vote may be expressed by a cross mark opposite the line containing the word "Yes;" and the choice of an elector in the negative may be expressed by a cross mark opposite the line con-

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<sup>65</sup> *Ohio State Reports*, vol. lvi, 721. — Ed.

taining the word "No." If in any county the deputy supervisors decide not to print the words above on the official ballot, the vote shall be by separate ballot, and deposited in a separate ballot box, as is provided in section 18 in the election laws. And the state supervisors of elections are hereby authorized to do such acts as are necessary to provide for the submission and determination of the questions as aforesaid. Said convention shall not sit more than ninety days; and the pay of the members elected to the same shall not exceed five (\$5) dollars per day each.<sup>\*\*</sup>

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<sup>\*\*</sup> *Laws of Ohio*, vol. xcii, 787. — Ed.

## AMENDMENT GIVING EACH COUNTY AT LEAST ONE REPRESENTATIVE, 1903

Proposed by joint resolution of the General Assembly, May 6, 1902. Submitted to the electors, November 3, 1903.

Total vote cast . . . . .	877,203
For amendment . . . . .	757,505
Against amendment . . . . .	26,497

Adopted.

*SECTION 1. Be it resolved by the General Assembly of the State of Ohio:* (three-fifths of all the members elected to each house concurring therein), that a proposition shall be submitted to the electors of the state of Ohio, on the first Tuesday after the first Monday of November, 1903, to amend section 2, article XI, of the Constitution of the state, so that it shall read as follows:

**SEC. 2, ARTICLE XI – Every county having a population equal to one-half of said ratio, shall be entitled to one representative; every county, containing said ratio, and three-fourths over, shall be entitled to two representatives; every county containing three times said ratio, shall be entitled to three representatives; and so on, requiring after the first two an entire ratio for each additional representative. Provided, however, that each county shall have one representative.**

**SECTION 2.** At said election the voters in favor of the adoption of the amendment to section 2, article XI, shall have placed upon their ballots the words, "Amendment to section 2, article XI, of Constitution – Yes," and those who do not favor the adoption of said amendment shall have placed upon their ballots the words, "Amendment to section 2, article XI, of Constitution – No." <sup>57</sup>

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<sup>57</sup> *Laws of Ohio, vol. xciv, 966. – ED.*

## SINGLE LIABILITY OF STOCKHOLDERS AMENDMENT, 1903

Proposed by joint resolution of the General Assembly, April 29, 1902. Submitted to the electors, November 3, 1903.

Total vote cast . . . . .	877,203
For amendment . . . . .	751,783
Against amendment . . . . .	29,383

Adopted.

*Be it resolved by the General Assembly of the State of Ohio:*

SECTION 1. That a proposition shall be submitted to the electors of this state, on the first Tuesday after the first Monday in November, 1903, to amend section 3 of article XIII, of the Constitution of the state of Ohio, so it shall read as follows:

### ARTICLE XIII

SEC. 3. Dues from private corporations shall be secured by such means as may be prescribed by law, but in no case shall any stockholder be individually liable otherwise than for the unpaid stock owned by him or her.

SECTION 2. At such election those electors desiring to vote for such amendment may have placed upon their ballots the words, "For single liability amendment," and those opposed to such amendment may have placed on their ballots the words, "Against single liability amendment."<sup>\*\*</sup>

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<sup>\*\*</sup> *Laws of Ohio, vol. xciv, 961. — Ed.*

## PROPOSED TAXATION AMENDMENT, 1903

Proposed by joint resolution of the General Assembly, April 29, 1902. Submitted to the electors, November 3, 1903.

Total vote cast . . . . .	877,203
For amendment . . . . .	326,622
Against amendment . . . . .	43,563
Not adopted.	

*Be it resolved by the General Assembly of the State of Ohio:* that a proposition shall be submitted to the electors of this state, on the first Tuesday after the first Monday in November, 1903, to amend section 2 of article XII, of the Constitution of the state of Ohio, so that it shall read as follows:

### ARTICLE XII

SEC. 2. The general assembly shall provide for the raising of revenue for all state and local purposes in such manner as it shall deem proper. The subjects of taxation for state and local purposes shall be classified, and the taxation shall be uniform on all subjects of the same class, and shall be just to the subject taxed. On burying grounds, public schoolhouses, houses used exclusively for public worship, institutions of purely public charity, public property used exclusively for any public purpose, and personal property to an amount not exceeding in value two hundred dollars for each individual, may, by general laws, be exempted from taxation; and the value of all property so exempted shall, from time to time, be ascertained and published, as may be directed by law.<sup>60</sup>

<sup>60</sup> *Laws of Ohio*, vol. xciv, 962. — ED.

## GOVERNOR'S VETO AMENDMENT, 1903

Proposed by joint resolution of the General Assembly, May 2, 1902. Submitted to electors, November 3, 1903.

Total vote cast . . . . .	877,203
For amendment . . . . .	458,681
Against amendment . . . . .	338,317

Adopted.

*Be it resolved by the General Assembly of the State of Ohio:*

SECTION I. That a proposition shall be submitted to the electors of this state, on the first Tuesday after the first Monday in November, A.D. 1903, to amend section 16, of article II, of the Constitution of Ohio, so that it shall read as follows:

### ARTICLE II

SEC. 16. Every bill shall be fully and distinctly read three different days, unless in case of emergency three-fourths of the house in which it shall be pending, shall dispense with the rule. No bill shall contain more than one subject, which shall be clearly expressed in its title, and no law shall be revived, or amended unless the new act contain the entire act revived, or the section or sections amended, and the section or sections so amended shall be repealed.

Every bill passed by both houses of the general assembly shall, before said bill can become a law, be presented to the governor. If he approves he shall sign said bill and thereupon said bill shall be law. If he object he shall not sign and shall return said bill, to-

gether with his objections thereto in writing, to the house wherein said bill originated, which house shall enter at large upon its journal said objection and shall proceed to reconsider said bill. If, after said reconsideration, at least two-thirds of the members-elect of that house vote to repass said bill it shall be sent together with said objection, to the other house, which shall enter at large upon its journal said objection and shall proceed to reconsider said bill. If, after said reconsideration, at least two-thirds of the members-elect of that house vote to pass said bill it shall be law, otherwise it shall not be law. The votes for the repassage of said bill shall in each house respectively be no less than those given on the original passage. If any bill passed by both houses of the general assembly and presented to the governor is not signed and is not returned to the house wherein it originated and within ten days after being so presented, exclusive of Sunday and the day said bill was presented, said bill shall be law as in like manner as if signed, unless final adjournment of the general assembly prevents such return, in which case shall be law, unless objected to by the governor and filed, together with his objection thereto in writing, by him in the office of the secretary of state within the prescribed ten days; and the secretary of state shall at once make public said fact and shall return said bill, together with said objection, upon the opening of the next following session of the general assembly, to the house wherein said bill originated, where it shall be treated in like manner as if returned within the prescribed ten days.

If any bill passed by both houses of the general assembly and presented to the governor contains two or more sections, or two or more items of appropriation of

money, he may object to one or more of said sections or to one or more of said items of appropriation of money, and approve the other portion of said bill, in which case said approved portion may be signed and then shall be law; and such section or sections, item or items of appropriation of money objected to shall be returned within the time and in the manner prescribed for, and shall be separately reconsidered as in the case of, a whole bill; but if final adjournment of the general assembly prevents such return the governor shall file said section or sections, item or items of appropriation of money, together with his objection thereto in writing, with the secretary of state as in the case of a whole bill, and the secretary of state shall then make public said fact, but shall not further act as in the case of a whole bill.

SECTION 2. At such elections those electors desiring to vote for such amendment shall have placed upon their ballots the words "Constitutional amendment, governor's veto - Yes;" and those opposed to such amendment shall have placed upon their ballots the words "Constitutional amendment, governor's veto - No." <sup>\*\*</sup>

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<sup>\*\*</sup> *Laws of Ohio*, vol. xciv, 962. — Ed.

## PROPOSED MUNICIPAL CLASSIFICATION AMENDMENT, 1903

Proposed by joint resolution of the General Assembly (in extraordinary session), October 22, 1902. Submitted to electors, November 3, 1903.

Total vote cast . . . . .	877,203
For amendment . . . . .	21,664
Against amendment . . . . .	32,110
Not adopted.	

*Be it resolved by the General Assembly of the State of Ohio:*

SECTION 1. That a proposition shall be submitted to the voters of the state on the first Tuesday after the first Monday in November, 1903, to amend article 13, section 6, of the Constitution of the state of Ohio, so it shall read as follows:

"ARTICLE 13, SEC. 6. The general assembly shall provide by general laws for the organization of cities, incorporated villages and hamlets and restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such power; provided, that the general assembly may divide cities into not more nor less than three classes, and if such division is made the classification shall be as follows and not otherwise: all cities having a population of more than one hundred thousand shall be cities of the first class; all cities having a population of not more than one hundred thousand nor less than twenty-five thousand shall be cities of the second class; all others shall be cities of the third class."<sup>61</sup>

<sup>61</sup> *Laws of Ohio*, vol. xcvi, 117. — ED.

## NON-TAXATION OF PUBLIC BONDS AMENDMENT, 1905

Proposed by joint resolution of the General Assembly, April 25, 1904. Submitted to electors, November 7, 1905.

Total vote cast . . . . .	961,505
For amendment . . . . .	655,508
Against amendment . . . . .	139,062

Adopted.

*Be it resolved by the General Assembly of the State of Ohio:*

SECTION 1. That a proposition shall be submitted to the electors of the state of Ohio, on the first Tuesday after the first Monday in November, 1905, to amend section two of article XII of the Constitution of the state of Ohio, so that it shall read as follows:

### ARTICLE XII – FINANCE AND TAXATION

SEC. 2. Laws shall be passed, taxing by a uniform rule, all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise; and also all real and personal property according to its true value in money, excepting bonds of the state of Ohio, bonds of any city, village, hamlet, county, or township in this state, and bonds issued in behalf of the public schools of Ohio and the means of instruction in connection therewith, which bonds shall be exempt from taxation; but burying grounds, public schoolhouses, houses used exclusively for any public purpose, and personal property, to an amount not exceeding in value two hundred dol-

lars, for each individual, may by general laws, be exempted from taxation; but all such laws shall be subject to alteration or repeal; and the value of all property, so exempted, shall, from time to time, be ascertained and published as may be directed by law.

SECTION 2. At such election those electors desiring to vote for such amendment may have placed upon their ballots the words (Exemption of state and municipal bonds from) "Taxation amendment, yes;" and those opposed to such amendment may have placed upon their ballots the words (Exemption of state and municipal bonds from) "Taxation amendment, no."

SECTION 3. This amendment shall be in force and take effect on and after the first day of January, 1906.<sup>62</sup>

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<sup>62</sup> *Laws of Ohio*, vol. xcvi, 652. — ED.

## STATE AND COUNTY ELECTIONS IN EVEN YEARS AMENDMENT, 1905

Proposed by joint resolution of the General Assembly, March 18, 1904. Submitted to the electors, November 7, 1905.

Total vote cast . . . . .	961,505
For amendment . . . . .	702,699
Against amendment . . . . .	90,762

Adopted.

*Be it resolved by the General Assembly of the State of Ohio:*

SECTION 1. That a proposition shall be submitted to the electors of this state, on the first Tuesday after the first Monday in November, 1905, to amend the Constitution of the state of Ohio, said amendment to be designated "Article XVII" and to read as follows:

### ARTICLE XVII

SECTION 1. Elections for state and county officers shall be held on the first Tuesday after the first Monday in November in the even numbered years; and all elections for other elective officers shall be held on the first Tuesday after the first Monday in November in the odd numbered years.

SEC. 2. The term of office of the governor, lieutenant-governor, attorney-general, secretary of state and treasurer of state shall be two years, and that of the auditor of state shall be four years. The term of the offices of the judges of the supreme and circuit courts shall be

such even number of years not less than six (6) years as may be prescribed by the general assembly: that of the judges of the common pleas court six (6) years and of the judges of the probate court, four (4) years, and that of other judges shall be such even number of years not exceeding six (6) years as may be prescribed by the general assembly. The term of office of justices of the peace shall be such even number of years not exceeding four (4) years, as may be prescribed by the general assembly. The term of office of the members of the board of public works shall be such even number of years not exceeding six (6) years as may be prescribed; and the term of office of all elective county, township, municipal and school officers shall be such even number of years not exceeding four (4) years as may be so prescribed.

And the general assembly shall have power to extend existing terms of office as to effect the purpose of section 1 of this article.

Any vacancy which may occur in any elective state office other than that of member of the general assembly or of governor, shall be filled by appointment by the governor until the disability is removed, or a successor elected and qualified. Every such vacancy shall be filled by election at the first general election for the office which is vacant, that occurs more than thirty (30) days after the vacancy shall have occurred. The person elected shall fill the office for the unexpired term. All vacancies in other elective offices shall be filled for the unexpired term in such manner as may be prescribed by law.

SEC. 3. Every elective officer holding office when this

amendment is adopted, shall continue to hold such office for the full term for which he was elected, and until his successor shall be elected and qualified as provided by law."<sup>63</sup>

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<sup>63</sup> *Laws of Ohio*, vol. xcvii, 640. — Ed.

## PROPOSED AMENDMENT RELATIVE TO REPASSING BILL AFTER GOVERN- OR'S VETO, 1908

Proposed by joint resolution of the General Assembly, March 20, 1906. Submitted to electors, November 3, 1908.

Total vote	.	.	.	.	1,136,525
For amendment	.	.	.	.	323,770
Against amendment	.	.	.	.	61,754

Not adopted.

*Be it resolved by the General Assembly of the State of Ohio:*

SECTION 1. A proposition shall be submitted to the electors of this state at the next election for members of the general assembly, to amend the Constitution of the state of Ohio so that sections 18 to 32, both inclusive, of article II, shall respectively be numbered as sections 19 to 33; and sections 16 and 18 of such article be so amended as to read as follows:

### ARTICLE II

SEC. 16. Every bill shall be fully and distinctly read on three different days, unless, in case of emergency, three-fourths of the members elected to the house in which it shall be pending, shall dispense with this rule; but the reading of a bill on its final passage shall in no case be dispensed with. No bill shall contain more than one subject, which shall be clearly expressed in its title; and no law shall be revived or amended, unless the new act contain the entire act revived, or the section or sec-

tions amended; and the section or sections so amended shall be repealed.

SEC. 18. Every bill passed by the general assembly shall, before it can become a law, be presented to the governor for his approval. If he approve it he can [shall] sign it. If he do not approve it, he shall send it with his objections in writing, to the house in which it originated which may then reconsider the vote on its passage. If two-thirds of the members elected to that house then agree to repass the bill, it shall be sent, with the objections of the governor, to the other house which may also reconsider the vote on its passage. If two-thirds of the members elected to that house then agree to repass it, it shall become a law, notwithstanding the objections of the governor. If a bill shall not be returned by the governor within ten days, Sundays excepted, after being presented to him, it shall become a law, unless the general assembly by adjournment prevent its return; in which case, it shall become a law unless, within ten days after such adjournment, it shall be filed by him, with his objections, in the office of the secretary of state. The governor may disapprove any item or items in any bill making an appropriation of money, and the item or items, so disapproved, shall be stricken therefrom, unless repassed in the manner herein prescribed for the re-passage of a bill.

SECTION 2. This amendment shall take effect on the first day of January, A.D. 1909.<sup>64</sup>

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<sup>64</sup> *Laws of Ohio*, vol. xcvi, 412. — ED.

## PROPOSED AMENDMENT PROVIDING FOR MEETING OF GENERAL ASSEMBLY, 1908

Proposed by joint resolution of the General Assembly, March 20, 1906. Submitted to electors, November 3, 1908.

Total vote cast . . . . .	1,136,525
For amendment . . . . .	328,362
Against amendment . . . . .	63,006

Not adopted.

*Be it resolved by the General Assembly of the State of Ohio:*

SECTION 1. A proposition shall be submitted to the electors of this state at the next election for members of the general assembly to amend section 25 of article II of the Constitution, so as to read as follows:

SEC. 25. The regular session of each general assembly shall commence on the first Monday in January next after it is chosen.<sup>\*\*</sup>

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<sup>\*\*</sup> *Laws of Ohio*, vol. xciii, 413.—Ed.

## PROPOSED AMENDMENT REMOVING LIMITATIONS OF THE GENERAL ASSEMBLY ON TAXATION, 1908

Proposed by joint resolution of the General Assembly, March 27, 1908. Submitted to electors, November 3, 1908.

Total vote cast . . . . .	1,136,525
For amendment . . . . .	339,747
Against amendment . . . . .	95,867
Not adopted.	

*Be it resolved by the General Assembly of the State of Ohio:*

SECTION 1. That a proposition shall be submitted to the electors of the state of Ohio, on the first Tuesday after the first Monday in November, 1908, to amend section two of article twelve of the Constitution of the state of Ohio, so that it shall read as follows:

### ARTICLE XII – FINANCE AND TAXATION

SEC. 2. The general assembly shall have power to establish and maintain an equitable system for raising state and local revenue. It may classify the subjects of taxation so far as their differences justify the same in order to secure a just return from each. All taxes and other charges shall be imposed for public purposes only and shall be just to each subject. The power of taxation shall never be surrendered, suspended or contracted away. Bonds of the state of Ohio, bonds of any city, village, hamlet, county or township in this state and bonds issued in behalf of the public schools of Ohio and the means of

instruction therewith, burying grounds, public school houses, houses used exclusively for public worship, institutions of purely public charity, public property used exclusively for any public purpose, and personal property to an amount not exceeding in value two hundred dollars, for each individual, may by general laws, be exempted from taxation; but all such laws shall be subject to alteration or repeal; and the value of all property, so exempted, shall from time to time, be ascertained and published as may be directed by law.

SECTION 2. All taxes and exemptions in force when this amendment is adopted shall remain in force, in the same manner and to the same extent, unless and until otherwise directed by statute.<sup>60</sup>

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<sup>60</sup> *Laws of Ohio*, vol. xcix, 629. — Ed.



**The Constitutional Convention of  
1912**



## PROPOSAL TO HOLD A CONSTITUTIONAL CONVENTION, 1910

Act submitting the question passed by the General Assembly,  
March 9,<sup>67</sup> 1909. Submitted to electors, November 8, 1910.

Total vote cast	.	.	.	.	.	932,262
For convention	.	.	.	.	.	693,263
Against convention	.	.	.	.	.	67,718

Adopted.

*Be it enacted by the General Assembly of the State  
of Ohio:*

SECTION 1. The question, "Shall there be a convention to revise, alter or amend the Constitution," of this state, shall be submitted to the electors thereof at the general election to be held on the first Tuesday after the first Monday in November, in the year one thousand nine hundred and ten.

SEC. 2. There shall be printed on the official ballot in the manner prescribed by law for the submission of amendments to the Constitution the following statement, "Shall there be a convention to revise, alter or amend the Constitution," and on the line below such statement the words, "Constitutional Convention – Yes," and on the next line below the words "Constitutional Convention – No."

The provisions of chapter 2 of title 14, of part first of the *Revised Statutes*, with respect to proclamations by sheriffs, the marking of ballots, counting and canvassing the votes, and declaring the result of such election, shall as far as the same may be applicable, apply to such election.<sup>68</sup>

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<sup>67</sup> Approved by the governor, March 16. — Ed.

<sup>68</sup> *Laws of Ohio*, vol. c, 18. — Ed.

## METHOD OF SUBMITTING THE QUESTION OF HOLDING A CONSTITUTIONAL CONVENTION, 1910

Act passed by the General Assembly, April 26, 1910.<sup>69</sup>

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. Whenever the question "Shall there be a convention to revise, alter or amend the Constitution" of this state is to be submitted to the electors for their approval or rejection, there shall be printed on the official ballot in the first column thereof the following statement: "Shall there be a convention to revise, alter or amend the Constitution," and on the line below such statement the words, "Constitutional Convention – Yes," and on the next line below, "Constitutional Convention – No."

No matter other than such statement shall be printed in such column except as otherwise provided by law.

SEC. 2. Any state convention of any political party which at the last preceding general election polled at least one per cent of the entire vote cast in the state, may take action in favor of or against such question so to be submitted at the next general election, and shall certify its action to the secretary of state in the manner provided for certifying nominations for state officers, whereupon said action upon such question shall be printed upon the

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<sup>69</sup> Became a law without the governor's signature. — Ed.

regular ballot at said election as a part of the party ticket of such party in the manner hereinafter provided.

SEC. 3. Whenever any party or parties shall certify that action has been taken thereon as provided in the next preceding section of this act, there shall also be placed on the official ballot immediately below the names of the candidates for state offices on the regular ticket of any such party the following statement, "Shall there be a convention to revise, alter or amend the Constitution," and on the line below the same the words "Constitutional Convention - Yes," or "Constitutional Convention - No," accordingly as affirmative or negative action shall have been certified thereon by such party or parties and such statement of such question, with the action taken thereon by such party, shall thereupon become a part of such party ticket.

SEC. 4. In marking his ballot the elector shall observe the following rules:

1. He may make a cross mark in the blank space to the left of and before the answer he desires to give to such question, in the separate column devoted to such question, or he may make a cross mark in the blank space to the left of and before the question, and the answer thereto, of such question, as the same may be printed and certified on the ticket of any political party; whereupon such mark shall cast his ballot for the answer opposite which it is made.

2. The voter may make a cross mark in the blank circular space at the head of any ticket upon which is printed the statement of such question, and the certified answer thereto, which mark shall cast his ballot for the certified answer to such question so printed on such

ticket, unless he shall have specifically answered such question otherwise elsewhere on the ballot in the manner heretofore stated.

SEC. 5. Save as otherwise herein provided the provisions of law relating to the marking and counting of ballots for candidates not inconsistent herewith, shall apply to the marking of ballots and the counting of votes upon any such question submitted in any election held under the provisions of this act.<sup>70</sup>

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<sup>70</sup> *Laws of Ohio*, vol. ci, 169. — ED.

## ACT PROVIDING FOR CALLING A CONSTITUTIONAL CONVENTION, 1911

Act <sup>71</sup> passed by the General Assembly of the State of Ohio,  
May 31,<sup>72</sup> 1911.

WHEREAS, At the general election held in this state, on the first Tuesday after the first Monday in November in the year one thousand nine hundred and ten, the question, "Shall there be a convention to revise, alter, or amend the Constitution?" was submitted to the electors of the state, and a majority of all the electors voting thereat decided in favor of a convention; and

WHEREAS, In such case it is made the duty of the general assembly at its next session, to provide by law for the election of delegates to, and the assembling of such convention; therefore,

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That the qualified electors of each county in this state shall on the first Tuesday after the first Monday in November, A.D., 1911, assemble at their usual places of voting, and proceed to elect a number of delegates, having the qualifications of an elector, to said convention, equal to the number of representatives which such county or district was entitled to elect to the house of representatives of the seventy-ninth general assembly of Ohio.

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<sup>71</sup> *Laws of Ohio*, vol. cii, 298. — Ed.

<sup>72</sup> Approved by the governor, June 6. — Ed.

**SEC. 2.** That said election shall be proclaimed by the sheriffs of the several counties, and shall in all respects be conducted, the returns thereof be made, and the results thereof certified, as is provided by law in the case of the election of representatives to the general assembly; provided if two or more candidates at such election have each enough votes to elect and each an equal number of votes for delegate, the election shall be determined by lot, as provided by law in case of county officers.

**SEC. 3.** That the delegates so elected shall assemble in the hall of the house of representatives, in the city of Columbus, on the second Tuesday of January, A.D. 1912, at 10 o'clock, a.m., with authority to adjourn to any place or places within this state for holding of the convention; and may, for the purpose of a temporary organization, be called to order by the oldest member present. They shall be entitled to the privileges of senators and representatives, named in section 12, article 11, of the Constitution.

**SEC. 4.** Said convention shall have authority to determine its own rules of proceeding, and to punish its members for disorderly conduct, to elect such officers as it may deem necessary for the proper and convenient transaction of the business of the convention, and to prescribe their duties; to make provisions for the publication of its proceedings, or any part thereof, during its session; to provide for the publication of the debates and proceedings of the convention, in durable form, and for the securing of a copyright thereof for the state; and to fix and prescribe the time and form and manner of submitting any proposed revision, alterations or amendments

of the Constitution to the electors of the state; also the notice to be given of such submission.

SEC. 5. The election at which said submission shall be made, shall be held and conducted the same as elections for members of the house of representatives, so far as practicable, and the vote for and against such proposed revision, alterations, or amendments, and those cast for and against each of the same separately submitted, shall be entered on the tally sheet, counted, certified, transmitted and canvassed and the result thereof declared in the manner prescribed by law for the counting, certifying, transmitting, and canvassing, of votes cast for the election of members of the house of representatives so far as applicable. And all the provision of the laws relative to elections shall apply to said election as far as applicable.

SEC. 6. Candidates for members of the Constitutional convention shall be nominated by nominating petitions only.

SEC. 7. In any county, any qualified elector of said county may be nominated as a candidate for member of the Constitutional convention for said county upon a petition in writing addressed to the county board of deputy state supervisors of elections, signed by not less than two per cent of the qualified electors of said county, or by such as will be legally qualified electors at the election to be held on the first Tuesday after the first Monday in November, 1911. And the said percentage of two per cent shall be based on the number of those who voted at the last preceding general election. In no case shall the number of signers to a petition be less than three hundred.

SEC. 8. Signers of said petitions shall insert in them the names and addresses of such persons as they may desire to the number of five as a committee who may fill vacancies caused by death or withdrawals. Nominations made by such committee shall not be received by the board of deputy state supervisors of elections unless said nominations as well as the petitions under which they are made are filed with said board on or before the last day for filing petitions as herein provided.

SEC. 9. Such petitions shall contain a provision to the effect that each signer thereto thereby pledges himself to support and vote for the candidate or candidates whose nomination is therein requested. Each elector signing a petition shall add to his signature his place of residence in his own handwriting (unless he cannot write and his signature is made by mark), which shall include street and number when there is a street and number. No elector may sign his name to more than one nominating petition for each office to be filled; and where an elector has signed his name to more than one petition, his name shall not be counted on any of the petitions. Nothing herein shall be construed, however, to prevent more than one nominee being nominated by any one petition up to the number of members of the convention to which the said county is entitled.

SEC. 10. Each petition need not necessarily consist of one paper, but five of the signers to each separate paper shall swear before a notary public, or other officer entitled to administer oaths, that the petition is bona fide in every respect to the best of his knowledge and belief, and the certificate of such oath shall be annexed. If in any case the said paper shall contain less than five

signers, then as many shall swear to the validity of the paper as there are signers thereto.

SEC. 11. Besides containing the names of the candidates, all petitions shall specify as to each candidate:

1. That he is a candidate for the office of member of the constitutional convention for the county in which the signatures are obtained.

2. His place of residence, with street and number thereof, if any.

3. A declaration by the candidate that he will qualify if elected.

A petition may also contain a statement to the effect that the candidate to be nominated is in favor of or opposed to the separate submission to the people by the convention of the alternative questions: "Shall the Constitution provide for the licensing of the traffic in intoxicating liquors; or shall the Constitution prohibit the licensing of the traffic in intoxicating liquors."

There may be filed with each petition, one of the two following statements signed by the candidate or candidates sought to be nominated; but if neither of said statements is so filed, the board of deputy state supervisors of elections shall not on that account refuse to file the said petition:

Statement No. 1. I hereby state to the people of Ohio, as well as to the people of my county, that during my incumbency of the office of delegate to the constitutional convention, I will always vote for a separate submission to the people as a separate part of the Constitution, of the alternative questions: "Shall the Constitution provide for the licensing of the traffic in intoxicating

liquors, or shall the Constitution prohibit the licensing of the traffic in intoxicating liquors?"

. . . . .  
Signature of nominee for candidate.

Statement No. 2. I hereby state to the people of Ohio, as well as to the people of my county, that I am not in favor of the separate submission to the people, as a separate part of the Constitution, of the alternative questions: "Shall the Constitution provide for the licensing of the traffic in intoxicating liquors, or shall the Constitution prohibit the licensing of the traffic in intoxicating liquors?"

. . . . .  
Signature of nominee for candidate.

When either of said statements is signed by the candidate or candidates, and the petition nominating said candidate or candidates is thereafter found by the board of deputy state supervisors of elections to be valid in all respects, then over the name of such candidates as placed upon the ballot as a heading [*sic*], in case said candidate signed statement No. 1, there shall be printed the words: "Favors separate submission license clause." In case said candidate signed statement No. 2, there shall be printed on the ballot as a heading over the name of said candidate: "Opposes separate submission license clause."

SEC. 12. Nominating petitions shall be filed with the board of deputy state supervisors of elections of each county not less than thirty nor more than sixty days prior to the day of election.

SEC. 13. When so filed, the petitions shall be preserved and be open under proper regulations to public inspection, and if they are in entire conformity with the provisions of this act and all other provisions of law not

inconsistent herewith, they shall be deemed to be valid unless objection thereto is duly made in writing within five days after the filing thereof. Such objections or other questions arising in the course of the nominations of said candidates, shall be considered by the board of deputy state supervisors of elections of the county, and its decision shall be final.

SEC. 14. All of the provisions of the law, providing generally for nominations by petition, shall be applied wherever not inconsistent herewith.

SEC. 15. The names of candidates for members of the constitutional convention, nominated as provided herein, shall be placed on one independent and separate ballot without any emblem or designation except the statement referring to separate submission of the question as herein provided, and the name or names of the candidates for election and the number to be elected.

SEC. 16. The ballot for members of the constitutional convention shall be prepared and printed as follows: The whole number of ballots to be printed for the county shall be divided by the number of candidates for members of [the] constitutional convention, and the quotient so obtained shall be the number of ballots in each series of ballots to be printed. The names of candidates shall be arranged in alphabetical order and the first series of ballots printed. Then the first name shall be placed last and the next series printed, and the same process shall be repeated in the same manner until each name shall have been first. These ballots shall then be combined in tablets with no two of the same order of names together, except where there is but one candidate.

SEC. 17. Any vacancy occurring among the delegates by death, resignation or otherwise, shall be filled in the

manner provided by law for filling a vacancy in the office of representative.

SEC. 18. The journal and proceedings of said convention shall be filed and kept in the office of secretary of state. Said secretary of state shall furnish said convention with all needed stationery, and shall do such other things relative to the distribution and publication of matter pertaining to the convention as it may require. He shall forthwith cause such number of copies of this act to be published and transmitted to the electors' several boards [*sic*] in the state as will be sufficient to supply a copy thereof to each board of judges of election in their respective counties, and such election boards shall distribute the same to such boards of judges of election.

SEC. 19. It shall be the duty of every state, county, and municipal officer in the state, to transmit without delay any information at his command which the convention (or general assembly), by resolution or otherwise, may require of him; and if any officer shall fail or refuse to comply with any requirement of this section, he shall forfeit and pay the sum of three hundred dollars for the benefit of common schools, to be recovered in any court of competent jurisdiction, in the name of the state of Ohio, by the prosecuting attorney of the proper county, whose duty it shall be to prosecute all cases of delinquency under this section coming to his knowledge or of which he shall be informed.

SEC. 20. Any elector of the state shall be eligible to membership in such convention and any disqualification now imposed by law upon persons holding any other office under the laws of the state is hereby removed, in so far as the right to be a delegate to such convention is concerned. The delegates of the convention shall be

entitled to the same compensation and mileage for their services as is allowed by law to members of the general assembly for one year, and the officers and employees of the convention, as far as practicable, shall be entitled to the same compensation for their services as is allowed by law for similar services to officers and employees of the general assembly; and compensation for all such services shall be paid out of the state treasury on the warrant of the auditor of the state: Provided, an additional allowance may be made to the official reporters of the convention if deemed proper. And no warrant shall issue on the state treasury for such compensation, or for money for uses of the convention, except on order of the convention and certificate of the presiding officer thereof.

## DELEGATES TO CONSTITUTIONAL CONVENTION, 1912

COUNTY	NAME	POLITICS	POSTOFFICE ADDRESS	OCCUPATION
Adams	Geo. W. Pettit	Democrat	West Union	Lawyer
Allen	James Halfhill	Republican	Lima	Lawyer
Ashland	James M. Fluke	Democrat	Nankin	Farmer
Ashtabula	William S. Harris	Republican	Saybrook	Farmer
"	E. L. Lampson	Republican	Jefferson	Editor
Athens	Henry W. Elson	Democrat	Athens	College professor
Auglaize	S. A. Hoskins	Democrat	Wapakoneta	Lawyer
Belmont	J. C. Tallman	Democrat	Bellaire	Lawyer
Brown	J. W. Kehoe	Democrat	Georgetown	Banker
Butler	D. R. Pierce	Democrat	Hamilton	Lawyer
"	Stanley Shaffer	Democrat	Hamilton	Lawyer
Carroll	Eli D. Shaw	Republican	Minerva	Banker
Champaign	Robert Henderson	Democrat	Urbana	Physician
Clark	William M. Rockel	Republican	Springfield	Lawyer
Clermont	Alexander Dunn	Republican	New Richmond	Minister
Clinton	Bernard Y. Collett	Republican	Wilmington	Farmer
Columbiana	Percy Tetzlow		Leetonia	Miner
Coshocton	Allen Marshall	Democrat	Coshocton	Farmer
Crawford	Geo. W. Miller	Democrat	Bucyrus	Banker
Cuyahoga	Robert Crosser	Democrat	Cleveland	Lawyer
"	W. C. Davis	Democrat	Cleveland	Lather
	F. W. Doty	Republican	Cleveland	Agent

Cuyahoga	John D. Fackler	Republican	Cleveland
"	Thos. G. Fitzsimmons	Independent	Cleveland
"	Tom S. Farrell	Republican	Cleveland
Aaron Hahn	Democrat	Democrat	Cleveland
"	D. E. Leslie	Democrat	Cleveland
"	Harry D. Thomas	Socialist	Cleveland
S. S. Stilwell	Republican	Republican	Cleveland
Darke	F. T. Wagner	Democrat	Greenville
Defiance	John W. Winn	Democrat	Defiance
Delaware	F. M. Merritt	Democrat	Delaware
Erie	E. B. King	Republican	Sandusky
Fairfield	Frank P. Miller	Republican	Rushville
Fayette	Humphrey Jones	Republican	Washington C. H.
Franklin	J. H. Harbarger	Republican	Columbus
"	Geo. W. Knight	Republican	Columbus
"	E. A. Peters	Republican	Groveport
Fulton	John C. Rorick	Republican	Wauseon
Gallia	Roscoe J. Mauck	Republican	Gallipolis
Geauga	H. K. Smith	Republican	Chardon
Greene	S. D. Fess	Republican	Yellow Springs
Guernsey	Harvey Watson	Democrat	New Concord
Hamilton	Herbert Bigelow	Independent	Cincinnati
"	Stanley Bowdie	Democrat	Cincinnati
"	Henry Cordes	Democrat	Cincinnati
J. C. Hoffman	"	Democrat	Cincinnati

Dep. Clerk of Courts

Farmer

Lawyer

Lawyer

Lawyer

Lawyer

Lawyer

Minister

Lawyer

Carpenter

Brewery Worker

COUNTY	NAME	POLITICS	POSTOFFICE ADDRESS	OCCUPATION
Hamilton	Geo. W. Harris	Democrat	Cincinnati	Capitalist
"	Wm. P. Halenkamp	Independent	Cincinnati	Pressman
"	Starbuck Smith	Republican	Cincinnati	Lawyer
"	Hiram Peck	Democrat	Cincinnati	Lawyer
"	Wm. Worthington	Republican	Cincinnati	Lawyer
Hancock	Andrew Beyer	Democrat	Jenera	Farmer
Hardin	Frank G. Hursh	Democrat	McGuffey	Farmer
Harrison	David Cunningham	Republican	Cadiz	Banker and lawyer
Henry	W. W. Campbell	Republican	Napoleon	Lawyer
Highland	H. M. Brown	Republican	Hillsboro	Farmer
Hocking	R. B. Longstreth	Republican	Union Furnace	Farmer
Holmes	W. R. Walker	Democrat	Killbuck	Minister
Huron	Otto M. Harter	Democrat	Norwalk	Druggist
Jackson	Frank Lambert	Democrat	Wellston	Carpenter
Jefferson	Frank H. Kerr	Republican	Steubenville	Lawyer
Knox	Robert G. McClelland	Republican	Fredericktown	Minister and farmer
Lake	Fletcher D. Malin	Democrat	Painesville	Lumberman
Lawrence	Fred G. Leete	Democrat	Ironton	Civil Engineer
Licking	Henry C. Keller	Democrat		Farmer
Logan	John R. Cassidy	Democrat		Lawyer
Lorain	D. J. Nye	Republican	Elyria	Lawyer
"	H. C. Redington	Democrat	Elyria	Lawyer
Lucas	Walter F. Brown	Republican	Toledo	Lawyer
	"	Republican	Waterville	Farmer

<b>Lucas</b>	John Ulmer	Toledo	Grocer
<b>Madison</b>	E. W. Johnson	West Jefferson	Lawyer
<b>Mahoning</b>	D. F. Anderson	Youngstown	Lawyer
<b>Marion</b>	C. H. Norris	Marion	Lawyer
<b>Medina</b>	Frank W. Woods	Medina	Lawyer
<b>Meigs</b>	O. H. Stewart	Middleport	Lawyer
<b>Mercer</b>	H. C. Fox	Coldwater	Banker
<b>Miami</b>	Joseph Defrees	Piqua, R. F. D. No. 1	Farmer
<b>Monroe</b>	C. Lude	Woodsfield	Merchant
<b>Montgomery</b>	Dennis Dwyer	Dayton	Lawyer
"	W. W. Stokes	Dayton	Real Estate
"	John Roehm	Dayton	Lawyer
<b>Morgan</b>	J. W. Tammill	McConnellsburg	Editor
<b>Morrow</b>	Robt. Beatty	Cardington	Farmer
<b>Muskingum</b>	Illion Moore	Carlwick	Farmer
"	— Kunkle	Zanesville	Farmer
<b>Noble</b>	J. A. Okey	Caldwell	Lawyer
<b>Ottawa</b>	Wm. Miller	Gypsum	Farmer
<b>Paulding</b>	W. B. Brattain	Paulding	Lawyer
<b>Perry</b>	Thos. D. Price	New Lexington	Lawyer
<b>Pickaway</b>	H. M. Crites	Circleville	Lawyer
<b>Pike</b>	M. A. Brown	Harris Station	Farmer
<b>Portage</b>	Geo. H. Colton	Hiram	College professor
<b>Preble</b>	Henry E. Eby	Camden	Farmer
<b>Putnam</b>	N. E. Mathews	Ottawa	Banker
			Republican

COUNTY	NAME	POLITICS	POSTOFFICE ADDRESS	OCCUPATION
Richland	John F. Kramer	Democrat	Mansfield	Lawyer
Ross	J. L. Baum	Republican	Storms Station	Farmer
Sandusky	M. Stamm	Democrat	Fremont	Physician
Scioto	N. W. Evans	Republican	Portsmouth	Lawyer
Seneca	Chas. Holtz	Republican	Tiffin, R. F. D. No. 7	Farmer
Shelby	W. E. Partington	Democrat	Sidney	Farmer
Summit	A. Ross Read	Democrat	Akron	Public official
Stark	Isaac Harter	Democrat	Canton	Banker
"	Frank C. Wise	Republican	New Berlin	Farmer
Trumbull	B. F. Webrecht	Democrat	Alliance	Manufacturer
Tuscarawas	W. B. Kilpatrick	Democrat	Warren	Lawyer
"	Victor Donahay	Democrat	New Philadelphia	Lawyer
Union	W. B. Stevens	Republican	Uhrichsville	Lawyer
Van Wert	Michael T. Cody	Democrat	Marysville	Farmer
Vinton	E. T. Antrim	Republican	R. F. D.	Farmer
Warren	C. O. Dunlap	Republican	Van Wert	Lawyer
Washington	J. Milton Earnhart	Democrat	McArthur	Physician
Wayne	John H. Riley	Republican	Lebanon	Farmer
Williams	Frank Taggart	Republican	Marietta	Lawyer
Wood	Solomon Johnson	Democrat	Wooster	Lawyer
"	Richard A. Beatty	Democrat	Stryker	Farmer
Wyandot	J. C. Sole leather	Republican	Bowling Green	Oil Operator
	F. J. Stalter	Democrat	Jerry City	Banker
			Upper Sandusky	Lawyer

**Detailed Comparisons of the Constitutions of 1851 and 1802 and Changes Proposed by the Constitution of 1874**



## **COMPARISON OF THE CONSTITUTIONS OF 1851 AND 1802 SHOWING CHANGES MADE BY THE CONSTITUTION OF 1851**

Preamble: reduced from one hundred and sixty-five to twenty-eight words. The Constitution of 1802 contains no reference to Deity; the Constitution of 1851 does.

### **ARTICLE I [Constitution of 1851]**

**SEC. 2.** Prohibits the granting of special privileges and immunities by the general assembly.

**SEC. 7.** Guarantees the right of any person to be a witness without regard to his religious belief.

**SEC. 15.** Forbids "imprisonment for debt in any civil action," unless in case of fraud.

**SEC. 19.** Prescribes a definite process for taking private property for public use.

### **ARTICLE II**

**SEC. 3.** Provides that senators and representatives shall have resided in their respective counties or districts one year next preceding their election. All reference to age as a qualification for membership in the general assembly omitted.

**SEC. 5.** Prohibits persons convicted of embezzlement of public funds from holding any office in the state; also prohibits a person holding public money from having a seat in the general assembly until he shall have accounted for and paid such money into the treasury.

SEC. 6. Makes a quorum consist of a majority of the members elected to each house.

SEC. 7. Gives the general assembly the power to prescribe the method of organizing the house of representatives.

SEC. 9. Makes it necessary that, in the passage of a bill in either house, the yeas and nays shall be entered upon the journal, and that for the passage of a bill in either house, a majority of all members elected to such house shall vote for it.

SEC. 10. Allows any member the right to have a protest entered upon the journal.

SEC. 12. Provides that, in filling vacancies in either house, it shall be done in a manner prescribed by law, instead of merely authorizing the governor to issue writs of election as provided by the Constitution of 1802.

SEC. 13. Requires a two-thirds vote to make the proceedings of either house secret.

SEC. 14. Excludes Sundays in counting the two days for which either house may adjourn without the consent of the other.

SEC. 16. Requires that every bill shall be "fully and distinctly" read; that no bill shall contain more than one subject; and that no law shall be revived or amended unless the new act contain the entire act revived or the section or sections amended.

SEC. 17. Provides that the presiding officer shall "publicly in the presence of the house" sign all bills and resolutions passed by the general assembly.

SEC. 18. Extends to one year after the end of his term the time within which a senator or representative is prohibited from being appointed to any civil office under this state, the emoluments of which have been

increased during the term for which he shall have been elected.

SEC. 22. Provides that no appropriation shall be made for a longer period than two years.

SEC. 25. Provides that the general assembly shall meet the first Monday of January biennially.

SEC. 26. Makes it necessary that all laws of a general nature shall have uniform operation throughout the state.

SEC. 27. Takes from the general assembly the power of appointing judges and other officers.

SEC. 28. Prohibits the enactment of retroactive laws.

SEC. 29. Prohibits extra compensation to any officer, public agent, or contractor, after the service has been rendered or the contract entered into; also prohibits the payment of any claim, the subject-matter of which shall not have been provided for by pre-existent law, unless such compensation or claim be allowed by two-thirds of the members elected to each branch of the general assembly.

SEC. 31. Provides for a fixed compensation for members and officers of the general assembly, and that "no change in their compensation shall take effect during their term of office."

SEC. 32. It is provided that no divorce shall be granted by the general assembly, and that no judicial power shall be exercised by it except that which is expressly conferred by the Constitution.

### ARTICLE III

SECTION I. A lieutenant-governor is provided for. There was none under the Constitution of 1802. Under the Constitution of 1802 the general assembly had power

to elect executive officers, except governor; under the Constitution of 1851 they are made elective by the people.

SEC. 11. The power of the governor to pardon in case of treason as well as impeachment, is denied, and the power in other cases is made "subject to such regulations, as to the manner of applying pardons, as may be prescribed by law."

SECS. 15, 16, and 17. The lieutenant-governor's duties are prescribed.

#### ARTICLE IV

The whole judicial system, except as to justices of the peace, is new.

#### ARTICLE V

SECTION 1. The provision of the Constitution of 1802, requiring that voters should have paid or been charged with a state or county tax, is omitted in the Constitution of 1851, and the general assembly is given power to prescribe the time of residence in county, township or ward.

SEC. 5. The right of suffrage is denied to persons "in the military, naval, or marine service of the United States," "stationed in any garrison, or military, or naval station, within the state."

SEC. 6. The right of suffrage is denied to idiots and insane persons.

#### ARTICLE VI

SEC. 2. Prohibits any "religious or other sect or sects" from ever having "any exclusive right to, or control of, any part of the school funds of this state."

#### ARTICLE VII

SECTION 1. Provision is made for institutions for the care of the insane, "blind and deaf and dumb."

SEC. 2. Provision is made for a penitentiary.

### ARTICLE VIII

The whole article relating to public works is new.

### ARTICLE IX

SECTION 1. Provides who shall be enrolled in the militia and the manner of enrollment.

SEC. 2. Provides that "majors-general, brigadiers-general, colonels, lieutenant-colonels, majors, captains, and subalterns shall be elected by persons subject to military duty, in their respective districts."

SEC. 3. The governor is given power to appoint a quartermaster-general and staff officers.

SEC. 4. The governor is given authority to "commission all officers of the line and staff, ranking as such," and "to call forth the militia, to execute the laws of the state, to suppress insurrection, and repel invasion."

### ARTICLE X

SEC. 5. Provides that "no money shall be drawn from any county or township treasury, except by authority of law."

SEC. 6. Provides that justices of the peace, and county and township officers may be removed from office for such causes and in such manner as may be prescribed by law.

SEC. 7. Gives county commissioners, township trustees, "and similar boards," power of local taxation for public purposes as may be prescribed by law.

ARTICLE XI. The whole of the article on apportionment is new.

### ARTICLE XII

Under the Constitution of 1802 practically the only limitation as to taxation placed upon the general as-

sembly was that it should not levy a poll tax for county or state purposes; but the Constitution of 1851 so limits the power of the general assembly as to subject-matter and method in taxation as to constitute one of the most important differences between the old Constitution and the new.

SEC. 6. Provides that, "the state shall never contract any debt for purposes of internal improvement."

### ARTICLE XIII

The only provision relating to corporations in the Constitution of 1802 was that found in article VIII, section 27, which gives the legislature entire power in creating and controlling corporations. The Constitution of 1851 limits the power of the general assembly over corporations, limits the power of corporations themselves, and provides that none shall be created except under general laws.

ARTICLE XIV. The article on jurisprudence is entirely new.

### ARTICLE XV

SEC. 2. It is provided that the printing required by the general assembly shall be let on contract to the lowest bidder.

SEC. 4. Provides "that no person shall be elected to any office in this state unless he possesses the qualifications of an elector."

SEC. 5. Prohibits duelling.

SEC. 6. Prohibits lotteries.

SEC. 8. Provides for a bureau of statistics.

SEC. 9. Prohibits the granting of a "license to traffic in intoxicating liquors," but gives the general assembly

power to make laws to "provide against the evils resulting therefrom."

#### ARTICLE XVI

The provisions of this article, providing a way in which the Constitution may be amended without calling a convention, are entirely new. The Constitution of 1802 had no such provision, but did provide for calling a constitutional convention after the year 1806 if sanctioned by a two-thirds vote of both houses of the general assembly.

#### SCHEDULE

This is entirely new.

## **CHANGES PROPOSED BY THE CONSTITUTION OF 1873-1874**

### **ARTICLE I - BILL OF RIGHTS**

**SEC. 5.** In civil cases, in courts below common pleas, if amount involved is less than one hundred dollars or if an appeal can be taken to the court of common pleas, a jury of six may be provided.

**SEC. 19.** The right to take private property for repair of roads is not allowed in the case of streets and highways in cities and incorporated villages.

**SEC. 20.** A new section limiting rights to be acquired by publication in judicial proceedings.

**SEC. 21.** Same as section 20 in Constitution of 1851.

### **ARTICLE II**

**SEC. 2.** Time of election changed from second Tuesday of October to the first Tuesday after the first Monday in November.

**SEC. 3.** Absence from the state even on public business is to be reckoned as non-residence in determining eligibility of members of the general assembly. It is also provided that residence shall continue during the term of office.

**SEC. 4.** Any person interested in a public contract or unadjusted claim is made ineligible to a seat in the general assembly.

**SEC. 9.** Requires majority of all members elected in adopting joint resolutions as well as bills.

SEC. 18. Provides for veto, including right to strike items from appropriation bills; and in either case a three-fifths vote is necessary to repass over the governor's veto.

SEC. 21. Forbids extension of terms of office.

SEC. 23. Provides for a separate vote on any item of an appropriation bill when any member demands it, in which case the vote must be by yeas and nays.

SEC. 25. Guards against wrongful payment to contractors and others.

SEC. 26. Provides that when the governor is impeached the chief justice shall preside.

SEC. 28. All regular sessions of the general assembly to commence the first Wednesday of January annually.

SEC. 29. Provides against conferring upon counties, townships, villages, or other municipalities any special powers or privileges not conferred upon others of the same general class.

SEC. 33. Allows the general assembly to make ratable deductions from the pay of members on account of unnecessary absence from sessions.

### ARTICLE III

SECTION 1. Provides for election of state officers in November.

SEC. 14. Gives the general assembly power to say who shall fill the governor's chair if both governor and lieutenant-governor die, resign, or are impeached.

SEC. 15. Limits more definitely the right of the lieutenant-governor as to voting.

### ARTICLE IV

SECTION 1. This section contains the exact provisions included in the amendment, adopted October 9, 1883.

**SEC. 2.** Makes term of office of supreme judges ten years.

**SEC. 3.** Provides that at the first election of judges no person shall vote for more than three.

**SECS. 4 and 5.** Makes old supreme judges a commission to assist in disposing of business then before the court. This section is quite similar to the amendment, adopted October 12, 1875.

**SEC. 6.** Provides that the general assembly may provide such a commission at other times. This provision is also contained in the amendment, adopted October 12, 1875.

**SEC. 7.** Divides the state into seven judicial circuits and makes the term of circuit judges eight years.

**SEC. 8.** Makes twelve common pleas districts instead of nine, and provides that judges shall work a certain minimum of time.

**SEC. 11.** Makes the term of common pleas judges six years.

**SEC. 22.** Makes drunkenness of a judge during term of court ground for forfeiture of office.

**SEC. 25.** Provides that justices of the peace shall be elected for four years.

#### ARTICLE V

Omits the word "white" in granting right of franchise.

#### ARTICLE VI

Gives women the right to hold any school office except that of commissioner of common schools.

#### ARTICLE VIII

**SEC. 6.** Provides that political divisions smaller than the state shall not become stockholders in any joint stock

company, incorporation, or association, nor purchase nor construct, nor aid in any way in purchasing or constructing any railroad, canal, or appurtenance thereto.

SEC. 12. Provides for the election of a superintendent of public works for a term of four years.

#### ARTICLE IX

SECTION 1. Provides that persons who have conscientious scruples against bearing arms shall not be required to do so in times of peace, but may be required to pay into the school fund of the county an equivalent to be fixed by law. In referring to military service the word "white" is omitted.

SEC. 2. Gives the governor additional power in appointing higher military officers.

#### ARTICLE X

SECTION 1. Makes counties bodies corporate with power to sue and be sued.

SEC. 2. Provides that county auditors, treasurers and prosecuting attorneys shall receive salaries, but no fees.

SEC. 3. Provides that the terms of county officers shall not exceed four years.

SEC. 5. Makes the township a body corporate.

SEC. 6. Identical with the amendment of October 13, 1885.

#### ARTICLE XI

SECTION 1. Gives the general assembly power to make not to exceed six classes of municipal corporations and provide for their government by general laws; also gives the general assembly power to restrict taxes and debts.

SEC. 2. Permits no municipal corporation to loan its credit.

SEC. 3. Provides that no municipal assessment shall be in any one year more than ten per cent of the value of the property, and not more than fifty per cent in any period of ten years.

SEC. 4. Limits municipal debts to not more than five per cent unless consent is obtained of three-fourths of the electors. In no case may the debt be more than ten per cent except in case of war, and in case of public works that have been authorized by law and have already been begun.

#### ARTICLE XII

SEC. 5. Instead of requiring that any act granting banking powers shall be submitted to a vote of the people, it is provided that no act "authorizing the issue of bills, notes, or other paper, which may circulate as money shall take effect until submitted to the people" at a general election and approved by a majority of those voting at said election. It also provides for securing any such bills, notes, or other paper so issued.

SEC. 6. Provides for cumulative voting in election of directors of corporations.

SEC. 7. Places foreign corporations on same footing as domestic ones.

SEC. 8. Gives the general assembly power to extend existence of societies for savings, created prior to September 1, 1851, whose charters are subject to alteration, amendment or repeal. But no corporation created by this state prior to May 1, 1852, shall have the benefit of any law passed since that date, except as to judicial procedure, unless it shall reorganize under, and be subject to, this Constitution.

SEC. 9. Attempts to guard against having any officer

or agent of any railroad interested in "receipts, contracts, or earnings of the company otherwise than as a shipper, passenger, stockholder, bond creditor, or employee," and provides that any contract granting "more advantageous terms or greater facilities" to such person than are offered to the public shall be null and void.

SEC. 10. Prohibits consolidation of parallel railroad lines.

SEC. 11. Attempts to compel foreign corporations to sue in Ohio courts.

SEC. 12. Gives the general assembly power to pass laws to "prevent unjust discrimination and excessive charges by railroad companies."

SEC. 13. Prohibits the issue of stocks or bonds, except for money or property actually received, or labor done. Declares all fictitious increases of stock or indebtedness shall be void.

SEC. 14. Contains a "long and short haul" clause similar to the one afterward made a part of Federal interstate commerce act.

#### ARTICLE XIII

SEC. 3. Provides a different basis for levying taxes, and does not include credits, bonds, stocks, etc., along with personal and real property to be taxed at their value in money; but gives the general assembly power to prescribe such rules as will make all property "bear an equal proportion of the burdens of taxation."

SEC. 5. Gives the general assembly power to impose "taxes by license, excise, or otherwise and also provide by equitable rules for taxing franchises and income derived from investments, when such income is derived" from objects or sources which "cannot be taxed."

**ARTICLE XIV**

**SEC. 3.** Provides that "every county shall be entitled to one representative," and makes the ratio excess one-half instead of three-fourths for the second representative.

**SEC. 4.** Makes divisor for determining senatorial ratio thirty-seven instead of thirty-five.

**SEC. 10.** Creates new senatorial districts.

**SEC. 12.** Where more than one senator or representative is to be elected in any county or district, provision is made for proportional representation by means of cumulative voting.

**ARTICLE XV**

**SECTION 1.** Creates new judicial districts and subdivisions.

**ARTICLE XVI**

**SEC. 6.** Prohibits passes for officials or delegates to constitutional conventions.

**SEC. 10.** Gives the general assembly power to require such appliances as to guard health and safety of persons employed in mining.

**ARTICLE XVIII**

**SEC. 2.** Requires three-fifths instead of two-thirds of the members of the general assembly to vote for submission of question of holding a constitutional convention.

Omits the provision giving electors an opportunity every twenty years to vote on the question of holding a constitutional convention.

**SCHEDULE**

**SEC. 10.** Constitution to be submitted to electors August 18, 1874.

**Three propositions were submitted to be voted upon separately:**

- 1. Minority representation in supreme and circuit courts.**
- 2. Railroad aid by townships, cities and incorporated villages.**
- 3. License of liquor traffic.**



**Contemporary Newspaper Comments  
relating to the Constitution of  
1851 and the Proposed Con-  
stitution of 1874**



## NEWSPAPER COMMENT ON THE CONVENTION OF 1850-1851

The Cleveland *Plain Dealer* (Democrat), under date of February 16, 1850, says editorially:

It has cost Democracy years of most vigilant importunity and effort to bring about a reform in our Constitution. They have been combating evils in legislation which cannot be effectually remedied only by a new Constitution. We mean the Bank, Corporation, and the whole monopoly system.

First and foremost in this great work, the monopoly system must be put down.

It must not be left to corrupt cupidity or caprice of future legislatures to say whether this state shall be dotted all over with Bank Corporations, or cut up with Plank and Railroad Corporations, with such tyrannical and exclusive privileges as shall make them masters, we their slaves. The new Constitution must say how far future legislatures can trespass upon the equal rights of the people in this respect, and we must send delegates to the convention who will see this matter "so denominated in the bond."

We look upon the monopoly principles as lying at the foundation of our grievances, at the root of all political sin. Associated wealth with the strong bonds of interest, is generally powerful and oppressive enough in its exactions upon the poor and the weak, but when in addition to this it obtains the sanction of authority of

law, blended with privileges denied to the people at large, it becomes insolent and intolerable. We contend that every charter of incorporation is to a certain extent a monopoly; for these charters invariably invest those upon whom they are bestowed with powers and privileges which are not enjoyed by the great body of the people. This may be done by combining larger amounts of capital than unincorporated individuals can bring into competition with chartered institutions, but the end is more frequently effected by the more palpably unjust process of exonerating the chartered few from liabilities to which the rest of the community are subject, or by prohibiting the unprivileged individual from entering into competition with the favored creatures of the law. *This is monopoly*, Legislative Monopoly, and that against which the laboring classes in Ohio have got ever to contend, unless they now provide against it in the organic law of the state.

What has been the history of Ohio legislation for the last twenty years! Trying to answer the demands of *capital* by granting charters with exclusive privileges, and creating corporations to fleece the people. What is our banking system but one stupendous monied monopoly? Who enjoy these golden immunities? The rich, the very class who least need legislative aid. Special privileges are never bestowed upon the poor. They are left to shirk for themselves, and actually forbidden to exercise the powers of the privileged orders.

Not all the clamors of aristocracy, nor the treacherous attacks of pretended friends, shall drive us from the stand we have taken in behalf of the Equal Rights of the People.

The election of delegates occurred April 1, 1850, and a week later under date of April 8, 1850, the *Plain Dealer* speaks editorially as follows:

Returns enough have been received from the late election in the state to warrant us in saying that we have carried the convention by a swinging majority.

Monopolies have been fairly voted down in the election.

The American Bank Nobility, as they have flourished under our *special laws* in the state of Ohio, are soon to see their "order" abolished.

The people have had enough of this special legislation.

For the last twenty years, there has not been a state in the union [which has] remodeled her Constitution without electing a Democratic convention to do it. Rhode Island, New York, Illinois, Indiana, Michigan, Iowa, and even Whig Kentucky have entrusted constitutional reforms to Democratic conventions.

Ohio is indeed now Democratic!

Take the seventy-nine Whig banks in this state out of the political field, and where would be the opposition to Democracy, the Peoples' Party?

Had this convention been postponed another ten years, as the Whig Party desired, corporations would then have things their own way.

The convention, late in December, 1850, rejected by a vote of 42 to 44 the following proposition:

"The General Assembly have power to repeal or revoke any charter of incorporation, now or hereafter granted, and the privileges and franchises of any incorporated company upon such just and equitable terms, for the collection and payment of debts, and the disposition of the property of such company as they may

provide." Whereupon the Cincinnati *Enquirer* [Democrat] had the following to say:

There was a proposition which, in our opinion, lies at the foundation of popular sovereignty, voted down by a convention professing to be Democratic! God help such Democracy!

The Cleveland *Evening Herald* [Whig], referring to the above statement by the Cincinnati *Enquirer* [Jan. 2, 1851], said:

We trust that repudiation of contracts in Ohio has received its death blow. Honor to the men who voted to sustain public faith inviolate, and shame to those who for demagogue purposes sought to trample it under foot.

Speaking editorially the Cleveland *Evening Herald*, under date of January 14, 1851, said:

We are glad to see the republican character of the present Constitution of Ohio on the subject of the veto is to be preserved in the new magna charta. The veto clause has been voted down in the convention by a decided majority.

In January, 1851, when the new Constitution was nearly completed, the Cincinnati *Gazette* [Whig], in comparing the new Constitution with that of 1802, found many things to criticise:

But [although brief] they did leave us a Constitution — a free Constitution — in which the sovereignty of the people was not restrained by despotic prohibitions. . . . The best luck which can be wished for the people of Ohio under the new Constitution is, that they may fare no worse than they did under the old one. It was formed when Ohio knew no party divisions, and

when the convention itself gave a willing tribute to the administration of Mr. Jefferson.

Some omissions of the doings of the convention are worthy of remark, as contrasted with what many people think the work of supererogation. First no attempt was made to prevent [in the Constitution of 1802] the existence of banks; for the state was then in the midst of the hard-money millennium! Next we find nothing about repeal or prohibitions on credit; or restriction on corporations; for it never entered their heads that commercial corporations for beneficial purposes could be such awful creatures as they are now represented to be.

The old convention seemed to think the people were able to govern themselves.

The convention adjourned March 10, 1851, after having been in session 163 days. The vote on adoption was 76 to 14 with two Democrats refusing to vote. All the negative votes were cast by Whigs except that cast by Mr. Gray of Lake County, who was a Free Democrat. Three days later (March 13) the Cleveland *Evening Herald* printed the Constitution in full. Commenting editorially it says:

It is of reasonable length, full and plain in its provisions, and well considered and well arranged by its authors, who embraced many of the wisest and soundest men of the state.

Many changes from the present Constitution are proposed, most of them, we think, from a hasty examination, for the better. As a whole the new Constitution strikes us favorably.

The Cleveland *Evening Herald* [March 24, 1851] contains the following:

Occasionally a Locofoco journal has gone into rhapsody over it . . . but the radical journals of that

party declare it is not all they wish, but something better than the old one.

Speaking further it says the Constitution as a whole is but feebly commended by the Whig press and

That the Free Soil journals approve and disapprove of portions. . . . The great mass of the people of Ohio manifested very little interest in the call for a constitutional convention. . . . The Constitution will doubtless be adopted, but without even being read by one-half the voters of the state.

During the next two weeks the Whigs had time to think it over and had come to the conclusion that the new Constitution was so full of defects that it ought to be defeated. The Cleveland *Evening Herald*, which had said March 13, that "the new Constitution strikes us favorably," said under date of April 7:

We cannot by our vote consent to change it [the old Constitution] except for one which we think decidedly better as a whole.

The *Evening Herald* then commends certain things in the new Constitution, such as

The biennial election of officers, biennial sessions of the legislature, a judiciary system equal to the wants of the state, codification of the laws and simplification of practice; equal taxation of property, banks and corporations; securing the inviolability of state credit.

It then condemns

The withholding the credit of the state from any and all public improvements; the denial of the citizens of any county, city, town, or township the right to vote subscriptions of stock to public works they may deem necessary; prohibiting the general assembly from passing any special act conferring corporate powers; pro-

viding that corporations may be formed under general laws, but that all such laws may, from time to time be altered or repealed, thus virtually cutting off all charters and corporations; requiring a majority of all members elected to the legislature to enact a law; requiring that the legislative elections shall be *viva voce*; creating new offices and increasing the expense of government; neglecting to provide for single legislative districts, thus securing political parties and populous counties undue weight and influence in the general assembly; restricting many rights long enjoyed by the people; and tying the hands of future legislators as though all wisdom was embodied in the new Constitution.

These things are condemned as "too anti-Republican," and the further statement is made that "as a whole on 'second thought' we much prefer the old to the new, and shall vote to reject."

Under date of June 3 the *Herald* again urges the defeat of the new Constitution. In addition to the things condemned April 7, it now opposes its adoption because of "political gerrymandering" in senatorial districts; because of additional expense for judges; because it "favors repudiation and the breach of public faith in the shape of taxing state and United States stocks;" because it gives the legislature contingent power of taxing graveyards, meeting houses, and benevolent institutions."

The editorial closes with,

Reject, then, the incubus of the new Constitution, and all will be well with our beloved state.

*Ohio State Journal* [Whig], June 24, 1851:

We are as well satisfied to-day as we have been at any former period that the restrictions on the subject of improvement will be found disastrous to the best interests of the state and that public opinion will demand a change in that respect. We know that the rejection of the single legislative district system and the accumulation of

political influence in one or two large counties will be found extremely obnoxious, and that this feature will be changed.

The real reforms that are introduced, the election of officers by the people, and the loss of patronage and power to the legislature (which patronage has been the cause of intrigues, if not corruption) will no doubt be found beneficial. The restrictions upon corporations for public improvement – the improper attempts to interfere with public stocks – the refusal to adopt the singular legislative district system – the unfair and partisan apportionment, etc., will be found impolitic, unwise, and not fit to be made.

## NEWSPAPER COMMENTS ON THE PROPOSED CONSTITUTION OF 1874

The Cleveland *Leader* [Republican] of August 12, 1874:

The case seems to be that the anti-license people, fearing that the license clause may carry, are determined to sacrifice the Constitution and all for the sake of defeating the license clause. In other words, they propose to kill it twice, once by rejecting the clause itself and again by defeating the Constitution without the adoption of which the license clause cannot become a law. This seems to us unnecessarily puerile and boyish.

The Cincinnati *Telegraph* [Catholic] a few days before the election contained the following:

The duty of all Catholics of this state on the day of voting is plain and cannot be ignored without moral delinquency and civil disgrace. In full and unbroken ranks they must record their protest against a godless system of education by voting against a Constitution that would fasten anew upon them the hands of gigantic robbery.

The Cleveland *Plain Dealer* of August 17, 1874:

Indeed the proposed new Constitution has to do with so much that is complex and beyond the scope of the popular information that the work of the convention, as a whole, will hardly be voted on intelligently. A great many people do not trouble themselves about such

things, and would as soon think of sitting down to read a last year's almanac as to think of reading and trying to learn something about the new Constitution. For this reason the vote will probably be a light one. . .

We are unequivocally in favor of license; and we hope that if the proposed Constitution is ratified it will be with the license clause added. Let every elector bear in mind that "license - yes" means a vote in favor of practical temperance and against sumptuary legislation and blatant fanaticism, and vote accordingly.

The Cleveland *Plain Dealer* of August 19, 1874, the day following the election at which the Constitution was defeated, gave the following reasons for the defeat:

1. The county officers of the state opposed it almost to a man, because the instrument provided for their payment by salary instead of fees.
2. There were many "old fathers" who voted "No" on general principles.
3. The halting, dragging course of the constitutional convention itself prejudiced many people against it.
4. It was very generally believed that the proposed Constitution had too much legislation in it; and that it was too much a lawyers' Constitution.
5. It did not provide for submission to the people, at the end of twenty years, the question whether they should revise or amend the Constitution.
6. The proposed from annual to biennial elections was no doubt an important source of opposition.
7. A great many Democrats looked upon the provision for cumulative voting, which, by the terms of the instrument, was originally confined to Hamilton and Cuyahoga Counties, as unjust to their party.

The Cleveland *Leader* of August 20, 1874, gave the following causes for the defeat of the Constitution:

1. The strong and united opposition of all corporate companies.
2. The new Constitution was solidly opposed by county rings.
3. The Catholic vote of the state was thrown solidly in the negative.
4. The radical temperance people, who regarded the license question as paramount to all else, voted against the Constitution to be sure of defeating license.
5. The idiotic vote which was cast for license and against the Constitution. Then there was an undertow of thickheadedness which wanted to give the liquor trade more liberty, but was opposed to cutting down the number of elections and consequent bribes and free drinks.
6. It is in evidence also that many men in the liquor business opposed the Constitution on account of the restrictions it placed upon license.
7. There was no electioneering on the main Constitution, no hard work, no enthusiasm.
8. There was among the older class of voters, particularly the Democracy, a sort of foguish, undefined suspicion of improvements proposed.
9. Many Democrats voted "No" because the Constitution was the work of a convention set on foot by a Republican legislature.

The *Ohio State Journal* [Republican], August 20, 1874:

It was found early in the canvass that the people did not desire to read anything on the subject of the new Constitution. The long session of the convention and

the tedious stringing out of literature which filled Ohio papers for so long a time under such headings as, "Constitutional Convention Proceedings - 140th Day; tired the people out till an article on the Constitution affected them in much the same way that a letter from Dalzell does the average editor.

They were generally satisfied that there were no fatal errors in the old one, since we had lived under it twenty years - and they would not take the trouble to compare it with the new. The temperance people took alarm, for fear the separate provision "for license" would carry and they voted in mass against the Constitution, for fear that was the only way to defeat license.

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